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Indonesia is a republic with a presidential system and three branches of government. The President is head of state and serves a 5-year term for a maximum of two terms; the President was Megawati Soekarnoputri. The country's upper legislative body is the People's Consultative Assembly (MPR), which convenes once a year and has the power to amend the Constitution. Routine legislative affairs, including enacting legislation, are the responsibility of the 500-member House of Representatives (DPR). During the year, the Government made progress in its transition from three decades of repressive and authoritarian rule to a more pluralistic and representative democracy. This transition included a decision to reduce the formal political role of the police and military, who retained their appointed seats in the DPR during the year but were scheduled to relinquish them in 2004. The Constitution provides for an independent judiciary; however, in practice the courts remained subject to influence, including by the executive branch.

The military (TNI) ostensibly is responsible for external defense and the police are responsible for internal security; however, in practice, the division of responsibilities continued to be unclear. They are known collectively as the security forces. The military played an overlapping role in internal security matters, particularly in conflict areas such as Aceh, the Maluku Islands, Central Sulawesi, and Papua (formerly known as Irian Jaya). There was considerable friction between the police and the TNI, but in conflict areas, joint operations were common. A civilian defense minister oversees the military, but in practice exercised very limited control over TNI policy and operations. The military and, to a much lesser extent, the police continued to wield significant political influence as well as economic power through businesses operated by security force members, their proxies, and foundations. The security forces showed greater willingness to hold accountable human rights violators within their ranks; at least 35 soldiers were court-martialed during the year and dozens of police officers were dismissed or otherwise disciplined. However, most such disciplinary actions involved lesser crimes, such as beatings, and in many cases punishments did not match the crime. Members of the security forces, including from the Army's Special Forces (Kopassus) and the Police Mobile Brigade (Brimob), continued to commit numerous serious human rights violations, including extrajudicial killings, torture, rape, and arbitrary detention.

During the year, the economy, which increasingly was market-driven, grew by 3.7 percent; however, 3 to 4 percent growth failed to reduce unemployment or to absorb the estimated 2.5 million new job seekers entering the market every year. Nonetheless, the actual poverty rate fell from 27 percent in 1999 to 16 percent in 2002. The population was approximately 230 million. Consumer demand was the leading force driving economic growth.

The Government's human rights record remained poor, and it continued to commit serious abuses. Security force members murdered, tortured, raped, beat, and arbitrarily detained civilians and members of separatist movements. The Government also frequently failed to protect adequately the fundamental rights of children, women, peaceful protestors, journalists, disabled persons, religious minorities and indigenous people, among others. Human rights abuses were most apparent in Aceh province, the scene of a long-running separatist revolt. Despite the signing of a December 2002 ceasefire between the Government and the Free Aceh Movement (GAM), little progress was made on demilitarization, and alleged violations by GAM prompted the Government to place the province under martial law on May 19 and launch its biggest military operation since 1975. This operation was aimed at eradicating GAM and was ongoing at year's end. Despite some evidence that military commanders wished to improve the behavior of their troops in the field, numerous human rights violations occurred. Unlawful killings, beatings, and torture by soldiers, police, and rebels were common. In many cases, the victims were not combatants but civilians. Accurate figures on human rights abuses in Aceh were extremely difficult to obtain.

In the provinces of Maluku, North Maluku, and Central Sulawesi, respect for human rights improved; however, beginning in October, there was an upsurge in violence in Central Sulawesi. Nevertheless, the death toll for the year fell: 22 persons were killed in Central Sulawesi, and 17 were killed in the Malukus. Approximately 200,000 persons remained displaced in the 3 provinces during the year.

In the easternmost province of Papua, where separatist sentiment has been strong for decades, there was no improvement in the human rights situation. The most serious violations took place in the Central Highlands, where at least one, and perhaps as many as 10, extrajudicial killings occurred, in addition to numerous acts of torture and politically motivated arson. The TNI and

police jointly investigated the August 2002 ambush near the town of Timika, which killed three persons, but the probe was ineffectual, due largely to limited cooperation between the two security services. By year's end, no arrests had been reported. Also in Papua, the Government effectively delayed implementation of the Law on Special Autonomy for the province, undermining efforts to improve basic welfare and development. In contravention of the law, the Government also initiated the partition of the province into three separate provinces, which provoked clashes that resulted in the deaths of five persons in Timika.

Retired and active duty military officers who were known to have committed serious human rights violations occupied or were promoted to senior positions in both the Government and the TNI. During the year, the country's Ad Hoc Tribunal for Human Rights in East Timor convicted only four former or serving security force members of crimes against humanity over the 1999 violence in East Timor, in which at least 1,000 persons were killed. The tribunal's performance reinforced the impression that impunity would continue for soldiers and police who committed human rights abuses.

Terrorists, civilians, and armed groups also committed serious human rights abuses during the year, and the Government was in some cases unable or unwilling to prevent these abuses. On August 5, members of the Jemaah Islamiyah (JI) terrorist organization set off a powerful bomb at Jakarta's Marriott Hotel, killing 12 persons. By year's end, the Government had arrested 14 persons for the bombing. The Government also achieved success in establishing accountability for the October 2002 bombings in Bali, which killed 202 persons. The Government identified, apprehended, and prosecuted at least 80 persons allegedly involved in the attack. In addition, mob vigilante action and religious groups purporting to uphold public morality continued to dispense "street justice."

Police used excessive and sometimes deadly force in arresting suspects and often used torture, sometimes fatally, in attempting to obtain information or a confession. Prison conditions remained harsh. The judicial system was corrupt, and this contributed to the Government's failure, in most cases, to provide redress to victims of human rights violations or hold civilian perpetrators accountable. Security force violators used political power, not money, to avoid justice. Land disputes generated numerous human rights abuses. These frequently involved forced evictions, some accomplished with lethal force. The Government jailed at least five peaceful anti-government protestors for "insulting the President" or "spreading hatred against the Government." Politicians and tycoons showed greater willingness to take legal action against news organizations whose work they found insulting or offensive, and this trend undermined press freedom. Members of the security forces and other groups limited freedom of expression by intimidating or attacking journalists whose content they found objectionable. The Government frequently restricted the activities of nongovernmental organizations (NGOs). Violence and discrimination against women remained problems. Female genital mutilation (FGM) occurred. Child sexual abuse and violence against children remained serious problems. Discrimination against persons with disabilities and mistreatment of indigenous people were problems. The Government allowed new trade unions to form and to operate, but it frequently failed to enforce labor standards or address violations of worker rights. Forced child labor remained a serious problem. Trafficking in persons was a serious problem; however, the Government took some initiatives to address the problem, including drafting an anti-trafficking law.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The security forces continued to employ unlawful killing against rebels, suspected rebels, and civilians in separatist zones, where most of the politically motivated extrajudicial killings occurred. There was evidence that the TNI considered anyone its forces killed to have been an armed rebel, particularly in areas where the TNI had announced an operation and told all civilians to leave. The security forces also committed numerous extrajudicial killings that were not politically motivated. The Government largely failed to hold soldiers and police accountable for such killings and other serious human rights abuses, particularly in Aceh.

The TNI tried, jailed, and discharged some soldiers for rape, robbery, and torture; however, no security-force members were prosecuted for unlawful killings in Aceh.

In Aceh, military and police personnel committed many extrajudicial killings and used excessive force against non-combatants as well as combatants. Between December 9, 2002 and May 18, 2003, a Cessation of Hostilities Agreement (COHA) was in effect between the Government and the GAM. According to the Center for Humanitarian Dialogue, which monitored the ceasefire, fewer than 50 violent deaths occurred during this 5-month period, representing a significant decrease from the 1,307 violent deaths during the 11 months prior to the signing. However, little progress was made on demilitarization or the establishment of a political dialogue. The rate of violence began to surge in April, and, after last-minute negotiations between the two sides broke down on May 18, the Government placed Aceh under martial law. The President provided written authority for an anti-insurgency operation, unlike previous military operations in Aceh and elsewhere in the country (see Section 2.d.). On May 19, the Armed Forces launched their largest military offensive since 1975, involving around 45,000 members of the Army, Navy, Marines, and police force. They were confronted with what the Government said were 5,325 armed GAM rebels. The operation led to a significant increase in violent deaths in Aceh during the year.

For numerous reasons, accurate figures on the number of persons killed in Aceh were difficult to obtain. Martial law administrators limited information coming out of Aceh, including restricting access for foreign journalists, blocking cell phones

and forbidding contact with GAM. The Government effectively prohibited foreign humanitarian aid workers from the province, except for a limited number of U.N. workers. Data from different sources, even within the Government, were often contradictory. NGO sources frequently questioned casualty figures announced by the security forces, claiming the number of victims was much higher, and that many of those killed were civilians. Security forces and rebels gave conflicting information on victims' identities, making it difficult to determine the breakdown of civilian, rebel, and security force deaths. During the early weeks of the military operation, many of the killings appeared to be executions. The Government and the GAM accused each other of killing captured combatants, and there was evidence to support such claims. Press reports undercounted the number of casualties. Police rarely investigated extrajudicial killings and almost never publicized such investigations.

On December 31, Aceh's provincial police chief, Inspector General Bahrumasyah Kasman, told reporters that during the military operation, 580 GAM members had been killed, along with 470 civilians, 50 soldiers and 26 police officers, for a total of 1,126 deaths. The police figure for GAM deaths was lower than that provided by the TNI earlier in the year, when the TNI simply reported all non-security force deaths as GAM deaths. The Aceh police force's figure for security force deaths also differed from information provided by the martial law administration, which noted on its website on December 20 that 105 soldiers and police had been killed in Aceh in the line of duty since the start of the military operation. On September 30, the Aceh branch of the Committee for Missing Persons and Victims of Violence (Kontras) stated that at least 342 civilian noncombatants were summarily killed or executed between May 19 and October 1, but noted that the total could be much higher and that the military was preventing NGOs from carrying out monitoring work. Sources linked to the Aceh Referendum Information Center (SIRA) reported that, during the first 6 months of the military operation, there were 520 noncombatant deaths. However, the sources did not identify the perpetrators.

The security forces were implicated in a number of unlawful killings. On May 20, Muhammad Jamaluddin, a cameraman with the government television network Televisi Republik Indonesia (TVRI), disappeared near the network's office in Banda Aceh. On June 18, Red Cross workers recovered Jamaluddin's body from a river on the edge of the city. His body displayed marks of torture and his arms were tied behind his back. NGO sources indicated that Jamaluddin might have been murdered because he was suspected of providing information to GAM and allowing rebels to borrow his camera equipment (see Section 2.a.). The case resembled that of Musliadi, a student activist abducted and later murdered by suspected intelligence operatives in November 2002. NGO sources indicated that security forces suspected that Musliadi had also been a GAM informer.

On May 21, army troops killed 10 men in Cot Rebo village, Bireuen. Residents told reporters after the incident that the men were part of a local guard force protecting the village's shrimp ponds. The military claimed that all the victims were GAM members but conceded that it had seized no weapons in the incident.

On June 16, unknown persons abducted a Kontras-Aceh volunteer, Muzakkir Abdullah, in the North Aceh area of Nisam, a GAM stronghold. The following day, villagers found Muzakkir's body tied to a tree, his throat slashed. Kontras-Aceh stated it believed that Muzakkir's killing was part of an intimidation campaign by the security forces against human rights activists in Aceh. The tactic of leaving a body in a public place had been used by the TNI in the past as a form of intimidation.

The Government made no progress in establishing accountability in a number of extrajudicial killings in Aceh in 2002, including the June killings of two farmers on Kayee Ciret Mountain and the August killings of three women in the north Aceh village of Kandang.

During the year, GAM members killed many soldiers, police, civil servants and civilians. In many cases, the victims were killed for allegedly collaborating with the security forces, while in other cases the motive appeared to be purely criminal. Although many Acehnese feared and resented the security forces, many also disliked GAM because of its extortion rackets and the criminal activities of some of its members. On May 20, residents of the Bireuen village of Geudong Alue discovered the body of Jamaluddin Hasany, a member of the local legislature. He had a gunshot injury to the stomach. Witnesses said he had left his house with a group of men the night before and never returned. On July 7, in the Bireuen village of Samalangan, unidentified gunmen shot and killed a former female GAM member, Cut Aca Budi, who had surrendered to the TNI 5 days earlier. Budi was home at the time and her young daughter was also shot and wounded. On July 22, in the Pidie village of Baroh Jong, unknown persons shot and killed a husband and wife, Muslim Sualaiman, 38, and Darmawati, 34, who were returning home from their workplace, an Islamic elementary school. GAM often targeted teachers as the most familiar civil servants in rural areas.

The Government did not report any progress in prosecuting those responsible for unlawful killings that might have been carried out by GAM members in previous years, including those of Zaini Sulaiman, Sukardi, Sulaiman Ahmad, Tengku Safwan Idris, and Nashiruddin Daud. Police continued their investigation into the 2001 killing of Dayan Dawood, rector of Banda Aceh's Syiah Kuala University who was shot after offering to mediate between the GAM and the Government; however, they refused to provide details on the case, apart from naming a suspect, Mahyudin, which might be the legal name of Tengku Don, a GAM rebel and suspect arrested in 2002 in this case.

Numerous unlawful killings that occurred in Aceh during the year could not be clearly attributed to either the security forces or GAM rebels. In early June, a local NGO reported evidence of a mass grave in Kreung Tuan, Nisam District, which had long been a GAM stronghold. According to the NGO, the grave may contain the remains of approximately 30 persons. In addition, other mass graves containing a total of at least 34 corpses were reportedly located near the Permata District villages of Guci and Wehnipasee. The TNI attributed the killings to GAM, an accusation the rebels denied. At year's end, it was unclear how many bodies existed in mass graves or who put them there. On December 31, a bomb exploded at an outdoor concert, killing nine persons. It was unclear whether the blast was linked to the separatist conflict. In the Aceh village of Lambhuk, a group of

unidentified gunmen shot and killed a resident, Subhan, in his home. Police investigated and concluded that the attack was related to extortion. Subhan drove a fuel truck and his supervisor reportedly refused to make a hefty "tax" payment. In the East Aceh village of Kampung Baru, an unidentified gunman shot and killed school principal Rasyid near a police station. Police stated that they were unable to apprehend the assailant.

There were no known developments in the following cases of unlawful killings in previous years: The March 2002 killing of six persons in the town of Lombaro Angan, Aceh Besar District, which followed an incident in which 30 policemen were ambushed while searching for GAM rebels; the September 2002 killings of two high school girls in the village of Gumpueng Tiro, Pidie Regency; and the August 2001 massacre of 31 persons at a palm oil plantation run by PT Bumi Flora in Idi Rayeuk, East Aceh. Witnesses in the Bumi Flora attack told Human Rights Watch (HRW) that they believed that TNI soldiers carried out the killings.

In the eastern provinces of Central Sulawesi, Maluku, and North Maluku, unlawful killings also occurred. In these provinces, communal violence in previous years caused the death of thousands of Christians and Muslims and displaced hundreds of thousands more. During most of the year, the level of violence declined, continuing a trend from the previous year. Although violent incidents did occur, the death toll was down dramatically: By year's end, approximately 22 persons had been killed in Central Sulawesi and 17 in the Malukus, compared with more than 100 conflict-related deaths, total, in 2002. The Government-brokered Malino I and II peace agreements between the two religious communities remained in effect, and residents increasingly recognized that their disputes were not based on religious differences.

In Central Sulawesi, political and economic tensions had long existed among the roughly equal populations of Christians and Muslims, and inter-religious violence flared in 1998. By 2002, after approximately 2,000 persons had been killed and more than 100,000 displaced, the violence subsided. During the year, unlawful killings included the February 8 shooting of a bus passenger by a Brimob officer, who was subsequently dismissed, convicted, and sentenced to 1½ years in prison. On June 2, unknown gunmen opened fire on two men in the Poso village of Kapompa, killing Yefta Barumuju and injuring a colleague. On July 10, in the Poso village of Sayo, a bomb exploded at a cafe, killing one person and wounding five others. Violence surged in October, after the Government withdrew large numbers of security force members from the province. Unidentified assailants killed at least 14 persons during the month, some in an attack on the Morowali community of Beteleme. Nine suspects were arrested in the wake of the Beteleme attack, but none was tried by year's end. In October, attacks on mainly Christian villages killed 10 persons; police investigations continued at year's end. On November 29 and 30, unidentified persons shot and killed 2 men in the Poso coastal villages of Kilo Trans, home to ethnic Balinese migrants, and 2 men in the Christian village of Marowo. No arrests were made by year's end. The Government reported little progress in establishing accountability in the following 2002 cases: The June bombing of a crowded passenger bus, which killed 5 persons, and the prosecution of former Laskar Jihad members for numerous crimes committed in the province.

In July, TNI authorities in Central Sulawesi announced that they would court-martial 14 soldiers in connection with several abductions and extrajudicial killings committed in Poso in December 2002. The 14 were reportedly court-martialed in the city of Manado during the year; however, the Government did not publicize the results of the proceedings.

In South Sulawesi province, the Government approved the creation of a new regency named Mamasa. On September 29, unknown persons killed two Mamasa residents in favor of the move; another disappeared. The following day, unknown persons killed another resident. Police later identified six suspects, most linked to a group that opposed the creation of the new regency. At year's end, the six suspects remained at large.

In Maluku and North Maluku, where sectarian violence erupted in 1999 following years of political, economic, and territorial tension, virtually no island had been spared from the conflict by 2000 and 2001. In February 2002, after thousands of deaths and hundreds of thousands of displacements, the Christian and Muslim communities agreed to work for peace. During the year, the peace accord, Malino II, remained intact; an increased security-force presence followed, and members of Laskar Jihad returned to their homes on Java and elsewhere. However, some unlawful killings did occur. For example, on January 14, a bomb exploded in Ambon, killing one person and injuring two others. On March 8, a man was shot and killed on the Maluku island of Haruku by a sniper. No arrests were reported by year's end. On August 19 in Ambon, a soldier was shot and killed with a standard military rifle. Police and military officials stated that the motive was unclear.

The Government made some progress during the year in prosecuting those responsible for human rights abuses committed in the Malukus in 2002 and previous years. On July 23, the North Jakarta District Court convicted Berty Loupatty, former leader of the Christian Ambonese "Coker" gang, of numerous bombings and other attacks committed in 2000, 2001, and 2002 and sentenced him to 11 years in prison. Loupatty's attorney reported that his clients told him that Kopassus troops had facilitated many of the attacks, providing instructions, weapons, and bombs, and police asserted that some Kopassus members had helped the gang commit various crimes. A senior TNI official denied these assertions and stated that police had tortured the gang members. These allegations were not investigated, and no TNI members were charged. Among the attacks for which Loupatty was convicted was the April 2002 raid on the Ambonese village of Soya, which killed at least 12 persons.

During the year, there were no reports of any former Laskar Jihad members being convicted for crimes in the Malukus. On January 30, the East Jakarta District Court acquitted former Laskar Jihad chief Jafar Umar Thalib of inciting religious violence and two other charges. Human rights activists suspected high-level intervention in the case. They expressed concern that Thalib, whose Islamic militia killed large numbers of Maluku Christians before disbanding in October 2002, had not been charged with more serious crimes.

In Papua province, where separatist sentiment remained strong and the Government continued to conduct operations against rebels of the Free Papua Movement (OPM), there was only one confirmed case of unlawful killing by the security forces during the year. On April 15, TNI members killed Yapenas Murib in the Central Highlands city of Wamena. Dozens of witnesses saw TNI troops march Yapenas through the streets to military headquarters. Shortly thereafter, TNI officials announced that Yapenas had died in custody. A human rights activist and a doctor who viewed the corpse stated it bore clear marks of torture. Murib's body reportedly had been punched and cut until "multi-colored" and dead. In the remote Highlands area of Kuyowage, where the military launched an operation following an April 4 break-in at the Wamena armory, as many as 9 other Papuans reportedly were killed. The National Human Rights Commission (KOMNAS HAM) launched an investigation in December, stating it had come across evidence that suggested that on April 17, unknown parties shot and killed at least four Kuyowage men: Alius Murib, Yinggen Tabuni, the Rev. Enggelek Tabuni and Yesaya Telenggen. In another incident, there were unconfirmed reports that police in Wamena shot and killed an unidentified Papuan separatist on July 7. The man was reportedly one of as many as 20 persons who tried to raise the Papuan "Morning Star" flag in front of the district parliamentary office (see Section 2.b.).

Also in Papua, the TNI and police continued to jointly investigate the August 2002 ambush that killed 2 American citizens and 1 Indonesian and injured 12 other persons near a large gold and copper mine close to the city of Timika. The victims were teachers on a recreational outing. Several persons dressed in military fatigues reportedly stopped the teachers' convoy in a heavy fog on the Tembagapura-Timika road and fired at the vehicles at close range. During the initial police investigation, senior police officials were quoted in the press as suggesting that soldiers were involved in the attack. During the year, the joint probe was not able to ascertain who was responsible for the attack. Police contended they could not investigate the case without TNI cooperation. The TNI claimed that its investigation, which pinned the blame on OPM rebels, was conclusive and determined that soldiers were not involved. The TNI maintained that police access to soldiers was not necessary. Top government officials, including President Megawati, pledged to support ongoing efforts to identify and bring to justice the perpetrators of the attack. The case remained under investigation at year's end.

The Government made little progress in establishing accountability for numerous human rights violations committed in Papua in previous years, including those committed in the Biak and Abepura incidents. However, the Government formed an investigative team to probe the 2001 Wasior incident, in which police allegedly killed 12 civilians following an attack on a police post that left 5 policemen dead. During the year, there were developments in the case of Theys Hiyo Eluay, the Papuan pro-independence leader found dead in his car outside the provincial capital of Jayapura in 2001. In January, a military court in Surabaya opened the trial of seven Kopassus troops charged with Theys' murder. On January 31, the lowest-ranked defendant, Achmad Zulfahmi, testified that he accidentally choked Theys to death. Zulfahmi and the other defendants asserted that they were ordered to escort Theys home after a festive event at Kopassus headquarters in South Jayapura, when a verbal argument erupted. The defendants testified that Theys and his driver Aristoteles (who remained missing at year's end) shouted out for help. Zulfahmi said he then covered Theys' mouth, but this conflicted with a medical report from Jayapura Hospital, which stated that Theys' death was caused by an obstruction to his windpipe. On April 21, the court convicted the seven soldiers of causing the death and sentenced them to a maximum of 3½ years in prison. One of those convicted, Lieutenant Colonel Hartomo, also was discharged from the military. The lightness of the sentences outraged many Papuans, as did a comment by the Army Chief of Staff Ryamizard Ryacudu, who called the killers "heroes."

In Banten province in western Java, the Government prosecuted those responsible for the March 2002 killing of Endang Hidayat, the village chief of Binuangeun. Seven members of the Presidential Guard kidnapped and executed Endang after he informed police that one of them had purchased stolen motorcycles. During the year, military prosecutor Major Zulkifli announced that a military court had convicted the seven guardsmen and sentenced them to between 4 and 6 years' imprisonment. Zulkifli reported that a higher court upheld the ruling. At year's end, the seven were held at the Siliwangi prison in Bandung, West Java and were appealing their cases to the Supreme Court.

In Kalimantan, where clashes between indigenous Dayaks and ethnic Madurese settlers left hundreds of Madurese dead in 2001, there were no reports of ethnicity-related killings during the year.

Police frequently used deadly force to apprehend suspects or acted recklessly in pursuit of suspects, and this sometimes resulted in the deaths of civilians. In other cases, suspects in police custody died under suspicious circumstances. During the year, broadcast media in East Java aired videotaped incidents in which suspects with their hands in the air were beaten severely by the police. On July 11 in Jakarta, alleged JI member Ihwanuddin was in police custody and reportedly managed to steal a rifle, enter a bathroom, and commit suicide with the rifle. Police Chief Makbul Padmanagara noted that Ihwanuddin was handcuffed at the time and the rifle was partly disassembled. On February 10, on the island of Rote, near West Timor, a sub-district police commander identified by the initials H.B. fatally burned a burglary suspect named Arnoldus Adu. The sub-district commander allegedly doused the suspect with fuel during an interrogation and ignited him by lighting a cigarette. It is not clear whether the killing was intentional or whether the fuel was intended to scare the suspect into signing a confession. National Police Chief Da'i Bachtiar subsequently ordered the sub-district commander's dismissal. No criminal charges were brought by year's end. On June 1, two police officers in the East Java city of Probolinggo beat a local resident to death using their rifle butts. A police van was traveling past a group of youngsters when one yelled "Hey". The police stopped the van and attacked him. Thousands of persons protested the killing, and Probolinggo's police chief, AKBP Ahmad Lumumba, promised to respond fairly; however, no action was taken against the responsible officers by year's end. On June 27, Surabaya police officer Dwi Budi fatally shot street vendor Budiono, who was allegedly helping a criminal evade arrest. An eyewitness claimed that Dwi Budi was intoxicated. The police force reportedly placed Dwi Budi under arrest. The case was pending at year's end. Police in Makassar, South Sulawesi did not take disciplinary action against police officers who in September 2002 shot and killed a suspected gang member who was in their custody. The officers involved claimed they shot the suspect in the back when he tried to escape. In April, a court in Surabaya, East Java convicted seven Kopassus troops of causing the 2001 death of Papuan

leader Theys Eluay and sentenced them to a maximum of 3½ years in prison.

The Government made little progress during the year in prosecuting those responsible for the Semanggi and Trisakti cases. In May 1998, four students at Jakarta's Trisakti University were shot and killed, and a number of police officers were implicated. Later in 1998, also in Jakarta, at least nine demonstrators were shot and killed at the Semanggi intersection. In September 1999, at the same location, police shot and killed four more demonstrators who were protesting proposed changes to the National Security Law. On June 10, the court-martial began of an enlisted man, one of three TNI soldiers indicted for reckless killing in connection with the second Semanggi incident. The soldier was accused of fatally shooting student Yap Yun Hap in September 1999 without orders from his superior. Two other defendants, who were officers, were to be tried separately. At year's end, all of the cases were pending.

During the year, bombs exploded in or near the cities of Ambon, Banda Aceh, Jakarta, Medan, and Poso, among others. For example, on August 5, members of the Jemaah Islamiyah (JI) terrorist organization set off a powerful car bomb in front of Jakarta's Marriott Hotel, killing 12 persons. By year's end, the Government had arrested 13 persons in connection with that attack.

The Government made significant progress in prosecuting those responsible for bombings carried out in previous years. Authorities worked to identify, apprehend, and successfully prosecute many of those who committed the Bali bombings of October 2002, which killed 202 persons. Investigators arrested more than 35 suspects, several of whom acknowledged ties to JI, the terror group linked to al-Qa'ida. By year's end, courts in Denpasar, Bali and Lamongan, East Java had convicted approximately 30 persons in connection with the Bali attacks. Key suspects Amrozi bin Nurhasyim, Ali Ghufron bin Nurhasyim (Mukhlis), and Abdul Aziz (Imam Samudra) were sentenced to death for their roles in planning and executing the attacks. In another case, the Supreme Court on July 18 rejected the appeal and extended the prison term of Tengku Ismuhadi Jafar, one of four men convicted for the 2000 bombing of the Jakarta Stock Exchange. On October 13, the Central Jakarta District Court convicted Abdul Jabar of transporting and detonating a bomb that exploded in 2000 at the Jakarta residence of the Philippine Ambassador. Jabar, who was also found guilty of involvement in two church bombings on Christmas Eve 2000, received a 20-year sentence. Following the December 2002 bombings in Makassar, South Sulawesi, the Makassar District Court convicted two suspects; 16 other trials were still underway at year's end.

Mobs carried out vigilante justice on many occasions, but reliable statistics on its prevalence were not available. Incidents of theft or perceived theft triggered many such incidents. For example, on January 12, in the Central Java village of Kendal, a mob killed two men for allegedly trying to steal electrical cables. Local residents allegedly caught the men in the act, tied them up, took them to a clearing, doused them with fuel, and set them on fire. On September 18 in Tangerang, near Jakarta, a mob killed two men who were allegedly attempting to steal a motorbike owned by a motorcycle taxi driver. The driver's shouts for help drew attention, and a mob seized the two men and killed them with rocks and knives. No official action was taken against those responsible for these killings.

Police and soldiers clashed on a number of occasions during the year, and at least one death was reported. On March 4, a group of 20 Air Force officers attacked a police station following the arrest of one of their intoxicated comrades. During the attack, police detective Salmon Panjaitan was stabbed and killed. The security forces later announced that approximately 20 Air Force officers had been detained for questioning. There were no reports of further action by the authorities in this case at year's end.

At schools, universities, police training centers, and other institutions, upperclassmen or superiors sometimes physically mistreated underclassmen or subordinates in continuation of a practice that dated back many years. During the year, a number of such incidents resulted in death. On September 1 in Palu, Central Sulawesi, members of Brimob hazed and killed five recruits. The victims were among 16 recruits who collapsed before reaching the finish line in a 5-mile initiation march. Witnesses reported that the cadets were beaten and kicked savagely. National Police Chief Da'i Bachtiar told DPR members that police authorities had detained the Central Sulawesi Brimob chief and six Brimob members for questioning. On September 2, there was an incident of systematic abuse in Sumedang, West Java, when upperclassmen at the Government-run Public Administration Institute (STPDN) allegedly strangled sophomore Wahyu Hidayat. An STPDN student said upperclassmen beat Wahyu to teach him a lesson in loyalty after he failed to appear at a flag-raising ceremony on Independence Day. Ten students were later charged in connection with the death. On December 10, their trials opened at the Sumedang District Court and were ongoing at year's end.

b. Disappearance

During the year, hundreds of disappearances occurred, most frequently in Aceh province, and large numbers of persons who disappeared over the past 20 years, mainly in conflict areas, remained unaccounted for at year's end. The Government reported little progress in prosecuting those responsible for disappearances that occurred in previous years.

According to the Government, at least 297 persons disappeared in Aceh following the May 19 imposition of martial law (see Section 2.d.) and the launching of the military operation in the province. Provincial police commander Sayed Husaeny reported that the missing included journalists, civil servants, village chiefs, and bus passengers.

The security forces were implicated in some disappearances. On March 25 in Bireuen town, plainclothes military intelligence officers seized two student activists, Mukhlis and Zulfikar, members of Link for Community Development, a local NGO. The

detentions were made in broad daylight on the main street of the district capital and took place during a demonstration by local residents opposing the construction of a police post in their neighborhood. Photographs taken by other participants clearly showed the two victims getting into an unmarked van. Witnesses stated that its plate numbers indicated it belonged to the local district military command (Kodim). Friends of the two, who were also students at the Ar-Rainy Islamic Institute in Banda Aceh, received text messages from the cell phones of the victims later in the day; however, no one has seen them since. Both TNI and police authorities in Bireuen and Banda Aceh denied holding the two men. At year's end, their whereabouts remained unknown.

The Government did not take significant action to prevent security force members from carrying out kidnappings. It was unclear whether any persons illegally detained by police or soldiers in Aceh died in custody during the year.

The GAM also abducted persons during the year. On June 29, in the East Aceh area of Peureulak journalists Ersi Siregar and Fery Santoro of television network Rajawali Citra Televisi (RCTI) disappeared as they were driving along the main Medan-Banda Aceh highway. After 3 days, the local GAM commander admitted that his men had taken Siregar and Santoro into custody, along with the wives of two Air Force officers traveling with them, to question them about their activities. Efforts by both RCTI and the International Committee of the Red Cross (ICRC) to arrange for their release failed. On December 11, the driver escaped from GAM custody. On December 29, Siregar was killed in a TNI ambush of the GAM patrol with which he was traveling. At year's end, Santoro and the wives remained in custody.

During the year, prominent Muslim leaders accused police of mistakenly arresting Islamic activists in the search for members of JI, the terrorist group responsible for the October 2002 Bali bombings and other attacks. Police denied targeting religious activists. On September 8, plainclothes police officers in the Central Java city of Solo rounded up Suradi, a fried cake seller, and Ihsan Miyarso, a tire repairman, and took them to Jakarta. Police suspected the two of involvement with JI. Police planned to hold them for up to 7 days, the period allowed by the Anti-Terrorism Law for detention without charge; however, police failed to notify the families of the detainees within 24 hours of their arrest, in accordance with criminal law. Both men were released later in the year.

In Papua, there were no credible reports of disappearance during the year. The Government did not report any progress in prosecuting those responsible for disappearances that occurred in previous years, including those of Martinus Maware, Mathius Rumbapuk, or Hubertus Wresman.

In Central Sulawesi, Maluku, and North Maluku, there were no credible reports of disappearance during the year. The Government made some progress in prosecuting those responsible for disappearances that occurred in Central Sulawesi in 2002. On July 16, TNI Major Wempi Hapan, head of the province's military police, announced that the TNI would court-martial 14 soldiers over abductions and extrajudicial killings committed in the Central Sulawesi regency of Poso in December 2002. The TNI accused 2 lieutenants and 12 privates of kidnapping of dozens of civilians in the Toyado area, but declined to make their names public. The soldiers allegedly abducted the civilians in December 2002, after one of their commanders was shot in the head during a clash between Christians and Muslims in the Sepe area. Some of the abducted civilians turned up dead, while others remained missing at year's end.

The Government made limited progress in prosecuting those responsible for the 1996 attack by hundreds of pro-government civilians and soldiers on the Jakarta headquarters of what was then the Indonesian Democratic Party (PDI); 23 persons disappeared and 5 persons died in the attack. The Central Jakarta District Court charged five persons, three of them civilians, with vandalism and assault during the attack: Colonel (retired) Budi Purnama, Lieutenant Suharto, Mochammad Tanjung, Jonathan Marpaung, and Rahimmi Ilyas. However, Petrus Kurniawan, a key figure in a group pressing for accountability, called the trial an "orchestration," saying the defendants were field operators, not the leaders behind the attack. Police investigators submitted to prosecutors six dossiers on the case, but prosecutors returned five of them, stating that they were incomplete. Named in the allegedly incomplete dossiers were Jakarta Governor Sutiyoso, who in 1996 served as Jakarta's military commander; former State Intelligence Chief Zacky Anwar Makarim; Brigadier General Syamsiar Wangsamihardja; former Jakarta Police Chief Hamami Nata; Central Jakarta police official Abubakar Nataprawira; Colonel Haryanto; and former PDI Chairman Soerjadi.

The Government made no progress toward prosecuting those responsible for the late 1997 or early 1998 disappearances of 12 or more pro-democracy activists, including poet Wiji Thukul. At an August 1 seminar in Jakarta marking International Day of the Disappeared, relatives of some of the missing criticized the Government for not doing enough to solve the cases. Payan Siahaan, the father of missing Perbanas college student Ukok Aris Munandar, believed the Government knew whom the leaders and perpetrators of the kidnappings were, but had no political will to arrest and prosecute them. Tuti Kotto, the mother of missing political activist Yani Afri, said no investigation had ever been undertaken despite the fact that her son was reportedly seen at Kopassus headquarters after he was kidnapped in 1997.

Retired Army Lieutenant General Prabowo Subianto, who once admitted ordering the abduction and torture of nine pro-democracy activists, competed for the presidential nomination of the Golkar party, as did retired Armed Forces Commander General Wiranto, who was indicted by the U.N. Special Crimes Unit for his role in the 1999 violence in East Timor.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession; however, in practice, law enforcement officials widely ignored such statutes. Security forces continued to employ

torture and other forms of abuse. The Government made some efforts to hold members of the security forces responsible for acts of torture. During the year, the use of torture to obtain confessions from suspects was most apparent in Aceh and Papua. According to the International Catholic Migration Commission (ICMC), at least 694 cases of torture were recorded in the country during the year. KontraS reported 289 confirmed torture cases for this period, more than two-thirds occurring in Aceh or Papua.

Torture was sometimes used to obtain confessions, for punishment, and to seek information that incriminated others in criminal activity. Torture also was used by the security forces to extort money from villagers. NGOs that worked with torture survivors, including ICMC, reported that the use of torture appeared to have increased over the previous 3 years; however, reliable figures were difficult to obtain. Physical torture cases included random beatings and acts involving the hair, nails, teeth, and genitals. Heat, suffocation, electricity, and suspension were also used. Psychological torture cases reportedly included food and sleep deprivation, sexual humiliation, being forced to witness torture, and being forced to participate in torture.

During the year, press restrictions in Aceh province limited media reports on cases of torture there. However, some cases were reported. In June, the military sentenced six soldiers to jail terms of between 4 and 5 months for the torture and beating of civilians in the Bireuen Regency village of Lawang. The soldiers reportedly committed the crimes after the civilians failed to hand over a rebel whom the troops said was hiding in the village. On August 31, 12 soldiers tortured and beat residents of the North Aceh village of Geulumpang Sulu Barat. Witnesses said the crimes were committed when residents failed to provide information on a wanted man, who allegedly escaped on a motorcycle while the questioning was underway. On October 10, a military court in Lhokseumawe acquitted the 12 soldiers, stating that although the troops had beaten civilians, they could not be held responsible because the victims and witnesses had been unable to identify the assailants. In June, Brimob officers in Banda Aceh detained 12 individuals (10 of them State Institute of Islamic Studies (IAIN) University students), took them to a police station, interrogated them over possible GAM links, and beat them.

According to KontraS, at least 17 verified cases of torture or beatings involving women or children were recorded in Aceh during the military operation, which began on May 19 and continued through year's end. According to a November press report, a TNI military commander in Aceh, Brigadier General Bambang Darmono, declared that beating suspected rebels was acceptable: "For example, my soldier slugs a suspect across the face. That's no problem, as long as he is able to function after the questioning. [But] if it's gross torture, which causes someone to be incapacitated . . . that's a no-no."

The Government reported no progress in prosecuting those responsible for acts of torture committed in Aceh in 2002, including the beating and burning of civilian Rizki Muhammad.

In the Papuan city of Wamena, where unidentified gunmen raided a government armory on April 4, TNI officials announced that a suspect detained for questioning, Yapenas Murib, had died in their custody on April 15; his body bore clear marks of torture (see Section 1.a.). KOMNAS HAM launched an investigation into reports that dozens of residents of the Central Highlands area of Kuyowage were tortured by unknown parties during a military operation that followed the break-in at the Wamena armory. NGO activists reported that the victims were burned with cigarettes and struck in the face or legs with wooden planks. KontraS reported that at least 124 men were tortured in Papua during the year. In one case, an OPM member who was detained and interrogated at Wamena military headquarters on May 3 and 4 reported that, while there, he saw another ethnic Papuan whom he recognized from the town of Tium "whose fingernails and toenails had all been ripped out." The Government did not report any progress in prosecuting those responsible for acts of torture committed in Papua in 2002, including the torturing to death of Yanuarius Usi.

On August 6 in Banyuwangi, East Java, police abducted Mohammad Bian from his house in the village of Wonoroje late at night and during the following 24 hours of his detention, tortured him. Bian was in a land dispute with real estate company PT Budisanjaya, also known as PT Wonorejo. The police released Bian after attorneys from the Legal Aid Society of Surabaya filed a complaint with the East Java police chief.

Rapes, some punitive, occurred frequently in conflict zones. Human rights advocates blamed many of the rapes on soldiers and police. Statistics were unavailable, but credible sources provided a number of accounts that involved both soldiers and police. In 2002, an interfaith organization operating in Poso, Central Sulawesi, reported high rates of depression among female internally displaced persons (IDPs) because many had been raped and impregnated by Brimob members.

At schools, universities, police training centers and other institutions, upperclassmen or superiors sometimes physically mistreated underclassmen or subordinates. This was not a new development but the continuation of a practice that dated back many years. During this period a number of such incidents resulted in death (see Section 1.a.). On July 17, a number of female graduates of a Jakarta senior high school abducted 17 girls and abused 7 of them. On September 8, the South Jakarta District Court sentenced four of the perpetrators to 3 months in prison.

In June in Bali, JI member and Bali bomber Ali Ghufron bin Nurhasyim (Mukhlas) complained that he had been tortured in police custody. Mukhlas alleged that he had been struck in the genitals with sticks, burned with matches, and forced to make a false confession. However, police and prosecutors insisted that defense attorneys were present when Mukhlas was questioned, and there was no physical evidence of the alleged torture.

The Government failed to make progress in establishing accountability for the May 1998 riots, which included acts of torture and other attacks against Chinese Indonesian women in Jakarta and other cities. From March through September, an investigative team from KOMNAS HAM investigated the incident, received the testimony of dozens of witnesses, and identified 20 suspects.

However, at the end of the investigation, team leader Solahuddin Wahid declined to publicly name the suspects, some of whom were members of the police and military. The team summoned 86 civilians, mostly witnesses, to testify; all but 5 complied. The team also summoned 48 government, military, and police officials, of whom only 3 complied. Among those who did not comply were former Armed Forces commander Wiranto, TNI spokesman Major General Sjafrie Sjamsoeddin, and the former commander of the Army's Strategic Command Reserve (Kostrad), Lieutenant General (retired) Prabowo Subianto. KOMNAS HAM prepared a 1,500-page report on the riots and stated that it planned to forward the report to the Attorney General's Office, in the hope that it would conduct an investigation of its own.

In Aceh province, many politically motivated acts of cruelty or punishment occurred during the year, including the burning of more than 603 school buildings since the start of the military operation on May 19; a majority were elementary schoolhouses. The Government attributed the arson attacks to GAM, which has a history of destroying public buildings, including schools, both as the most visible symbols of government presence and because security forces often used abandoned government facilities as barracks or village headquarters. The GAM denied these allegations.

Occasionally Brimob personnel used arson as a form of punishment. The Government investigated the October 2002 burning of 80 shops and homes in Keude Seuneddon, North Aceh, an incident that occurred immediately after two Brimob officers were killed. Witnesses alleged that police burned the buildings intentionally as a form of revenge; however, in September, Police Commissioner Suryadarma claimed the fires resulted from the explosion of a stove at the market. He stated that this occurred at a time when Brimob members were at the site chasing rebels who had killed the two police officers. The case was under investigation at year's end.

The extremist Islam Defenders Front (FPI), which carried out a number of attacks on nightclubs in 2002 and in previous years, halted its operations in November 2002 following the arrest of the FPI leader Habib Rizieq. In February, the FPI restarted operations. Although the FPI held demonstrations and other actions during the year, including a recruitment drive for volunteers to fight the United States in Iraq and Afghanistan, it was not linked to any attacks on nightspots. Previous attacks were exercises in extortion and, to a lesser extent, punishment for businesses that allegedly tolerated or promoted vice. On August 11, the Central Jakarta District Court convicted Rizieq of organizing mob attacks in October 2002 and sentenced him to 7 months in prison. On September 28, approximately 150 members of the Betawi Brotherhood Forum (FBR), a group of criminals who claimed to be native Jakartans, raided a number of nightspots in the Jakarta areas of Cilincing and Muara Baru, saying the businesses were immoral and should close within a week. Police officers reportedly stood by as FBR members terrorized the nightspots. It was the FBR's first major attack since its March 2002 attack against members of the Urban Poor Consortium (UPC) at the Jakarta office of KOMNAS HAM. On June 27, self-described FBR members also forced the closure of a church in East Jakarta (see Section 2.c.).

Conditions at the country's 365 prisons and detention centers were harsh, and overcrowding was widespread. Facilities frequently were two or three times over capacity. Guards regularly extorted money and mistreated inmates. Unruly detainees were held in solitary confinement for up to 6 days on a rice-and-water diet. The wealthy or privileged had access to better treatment in prison. In July, the country's most famous inmate, Hutomo "Tommy Suharto" Mandala Putra, son of former President Suharto and convicted of arranging the killing of a judge, reportedly enjoyed the use of a special guest room to accommodate his many visitors. The air-conditioned room reportedly had a large TV set, an aquarium, and other amenities. Prison officials also granted special treatment to jailed Suharto crony Mohammed "Bob" Hasan, according to press reports.

Prison authorities housed female inmates separately from men, but in similar conditions. Most children convicted of serious crimes were sent to one of 13 juvenile prisons throughout the country. Until they were convicted, most juveniles were held with adults at detention centers. In theory, prisons held those convicted by courts, while detention centers housed those awaiting trial; however, in practice, pre-trial detainees were at times held with convicted prisoners. At the country's biggest prison, Cipinang in Jakarta, 1,537 of the 2,830 inmates were pre-trial detainees, rather than convicts.

There were no official restrictions on prison visits by human rights monitors; however, in practice, prison officials did not provide full access to outsiders and monitored information provided by inmates. The ICRC made some visits to prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Procedures Code contains provisions against arbitrary arrest and detention but lacks adequate enforcement mechanisms, and authorities routinely violated it. The code provides prisoners with the right to notify their families promptly, and specifies that warrants must be produced during an arrest. Exceptions were allowed if, for example, a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants; however, at times, authorities made arrests without warrants. No reliable statistics existed on how many arbitrary arrests and detentions took place during the year.

A defendant may challenge the legality of his arrest and detention in a pre-trial hearing and may sue for compensation if wrongfully detained; however, it was virtually impossible for detainees to invoke this procedure or to receive compensation after being released without charge. Military and civilian courts rarely accepted appeals based on claims of improper arrest and detention. The Criminal Procedures Code also limits periods of pre-trial detention. Police are permitted an initial 20-day detention, which can be extended to 60 days, and prosecutors may detain a suspect 30 days initially, with a 20-day extension permitted. Prosecutors may extend police detention periods, and a district court may further extend prosecutors' detention of a suspect. The District and High Courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court

may detain a defendant 110 days while considering an appeal. In addition, the code of criminal procedures allows detention periods to be extended up to an additional 60 days at each level if a defendant faces a possible prison sentence of 9 years or longer, or if the individual is certified to be mentally or physically disturbed. Authorities generally respected these limits in practice.

The country's police forces had a combined total of 250,000 officers, serving at the local, regional, and national levels. During the year, police generally improved their professionalism and capacity to deal with civil disorder, and succeeded in apprehending a large number of suspects in terrorist attacks. However, these improvements were not matched by an increased effectiveness at fighting crime, whether ordinary crime or crimes related to human rights. Impunity and corruption remained significant problems. The extent of wrongdoing within the nation's police forces was difficult to gauge. Police commonly extracted bribes, from minor payoffs in traffic cases to large bribes in criminal investigations. Jakarta Police Chief Inspector General Makbul Padmanagara did not deny or confirm media reports of blackmail and extortion among his officers. His deputy, Brigadier General Nanan Soekarna, said that, during the year, at least 379 officers were disciplined for misconduct, including 80 who were dismissed. The NGO Police Watch said the number of crimes committed by police officers increased during the year over 2002.

In areas of separatist conflict, such as Aceh and Papua, police frequently and arbitrarily detained persons without warrants, charges, or court proceedings. The authorities rarely granted bail. The authorities frequently prevented access to defense counsel during investigations and limited or prevented access to legal assistance from voluntary legal defense organizations. At least one person died in custody during the year (see Section 1.a.).

Human rights activists expressed concern over a number of controversial prosecutions, including that of prominent Acehese political activist Muhammad Nazar. On July 3, a Banda Aceh court operating in a province under martial law gave Nazar a 5-year sentence for "spreading hatred against the Government." Nazar was former chairman of SIRA, which had long campaigned for a referendum on Acehese independence. On February 12, police arrested him after he allegedly failed to notify the Government of a political rally held in the city of Lhokseumawe on January 9. Armed Forces chief Endriartono Sutarto defended the arrest, although the COHA between the Government and GAM rebels, which was in effect at that time, gave civil society the right to "express without hindrance their democratic rights." This was the second time Nazar was arrested for expressing his political views. In 2001, he served a 10-month sentence for "spreading hatred against the Government." His crime had been attending a campus rally and putting up banners critical of the TNI and supportive of Acehese independence. In another case, prosecutors in Aceh brought criminal charges against a young Acehese activist, Muhammad Rizal Falevi Al Kirani, for peacefully expressing his political views. Falevi, a university student and chairman of the Association of Anti-Militarism Activists (HANTAM), was charged with "inciting hatred and insulting the Indonesian Government." The charges stemmed from remarks Falevi made at a December 2002 political rally in Banda Aceh, at which he called for a referendum on the future status of the province. At the time of his arrest, police said Falevi lacked the proper permits for a public rally, but they later charged him with other offenses. In October, a Banda Aceh court convicted Falevi and sentenced him to 3 years in prison.

There was some controversy surrounding the Government's application of the terrorism decree passed in October 2002 and the ensuing anti-terrorism laws passed in March (which allow the use of evidence from wiretaps, video recordings, and other surveillance to be used in court) in the cases of at least five individuals associated with GAM. They included former negotiators Teuku Kamaruzzaman, Teuku Muhamad Usman, Amni bin Ahmad Marzuki, Sofyan Ibrahim Tiba, and Nasiruddin bin Achmed. On October 21 and 22, the Banda Aceh District Court convicted the five for acts of terrorism and sentenced them to between 12 and 15 years in prison. All five sentences were under appeal at year's end. Prosecutors argued that the defendants should have made concerted efforts to subdue the escalating violence and comply with the COHA, which GAM and the Government signed in 2002 in Geneva. Some human rights activists expressed concern that the terrorism decree was being misapplied to individuals who were not engaged in terrorism; others noted that the five were arrested on May 19, the day the Government declared martial law and launched its military offensive.

Also in Aceh, the Government freed two foreign women who were detained, convicted, and imprisoned in 2002 for violating the terms of their tourist visas. It released an American citizen on January 3, after 4 months in prison, and her colleague, a British citizen, on February 9, after a 5-month imprisonment.

On September 26, police in Jakarta arrested and briefly detained anti-corruption activist Azas Tigor Nainggolan. Tigor, chairman of the Jakarta Residents Forum (FAKTA), allegedly slandered Jakarta Governor Sutiyoso by claiming that he had bribed city councilors.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for judicial independence; however, in practice, the judiciary remained subordinate to the executive and was often influenced by the military, business interests, and politicians outside of the legal system. The law requires that the Justice Ministry gradually transfer administrative and financial control over the judiciary to the Supreme Court by 2004, but the Ministry indicated during the year that this transfer would only begin in 2004. Judges were civil servants employed by the executive branch, which controlled their assignments, pay, and promotion. Low salaries encouraged corruption, and judges were subject to pressure from governmental authorities, which often influenced the outcome of cases.

Under the Supreme Court is a quadripartite judiciary of general, religious, military, and administrative courts. The law provides for the right of appeal, sequentially, from a district court to a High Court to the Supreme Court. The Supreme Court does not consider factual aspects of a case, but rather the lower court's application of the law. The judicial branch was theoretically equal to the executive and legislative branches and had the right of judicial review over laws passed by the DPR, as well as government regulations and presidential, ministerial, and gubernatorial decrees. In practice, the judiciary was less influential than the executive and legislative branches, and it was often heavily influenced by the executive branch. During the year, the budget for courts, as well as promotions and transfers for judges, was controlled by the Justice and Human Rights Department, but these functions were scheduled to be transferred to the Supreme Court in 2004.

In the country's 2,418 district courts, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or innocence, and assessing punishment. Judges rarely reversed initial judgments in the appeals process, although they sometimes lengthened or shortened sentences. Both the defense and prosecution can appeal verdicts.

The law presumes that defendants are innocent until proven guilty. It also permits bail, which was used in practice. Court officials commonly received an illicit payment in exchange for approving the security guarantee upon which the defendant's temporary release was based. Defendants have the right to confront witnesses and call witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. Prosecutors were reluctant to plea bargain with defendants or witnesses or to grant witnesses immunity from prosecution. As a result, many witnesses were unwilling to testify, particularly against government officials. The courts often allowed forced confessions and limited the presentation of defense evidence. Defendants did not have the right to avoid self-incrimination, and some were compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the time of arrest and at every stage of examination. Persons summoned to testify in investigations do not have the right to legal assistance. The law requires counsel to be appointed in capital punishment cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, the law requires the appointment of an attorney if the defendant is indigent and requests counsel. In theory, indigent defendants may obtain private legal assistance, but in practice few actually obtained the services of an attorney. In many cases, authorities quietly persuaded defendants not to hire an attorney. In many cases, procedural protections, including those against forced confessions, were inadequate to ensure a fair trial. On July 16, the head of the Association of Indonesian Lawyers (IPHI) met with the Vice President and the Minister of Justice and Human Rights and alleged that, in Aceh, the Government was depriving suspected GAM rebels of their right to an attorney. According to media reports, the Government was not providing defense attorneys to separatists on trial and actively hindered efforts by legal aid lawyers to join GAM-related cases.

Widespread corruption continued throughout the legal system. During the year, Transparency International reported that the country was among the world's most corrupt, and, in October, the World Bank stated that endemic corruption in the country was compromising law and order. Bribes influenced prosecution, conviction, and sentencing in countless civil and criminal cases. Most judges earned only \$200 to \$225 per month, while a judge with three decades' experience earned approximately \$660 per month. Key individuals in the justice system not only accepted bribes but appeared to turn a blind eye to other government offices suspected of corruption. During the year, the Supreme Audit Agency (BPK) repeatedly accused the Attorney General's Office (AGO) and National Police of not following up on cases of suspected corruption that had been referred to them. In September, BPK chairman Satrio B. Judono stated that, since 2001, the BPK had reported 6,162 cases of suspected corruption to the AGO and National Police, but that only 505 cases--approximately 8 percent--had been investigated by both offices. Judono estimated that state losses caused by the 6,162 cases could reach \$242 million. He added that the BPK had met with resistance from various ministries and state agencies where it had detected non-budgetary funds (those not listed on balance sheets).

In August, the Legal Review journal investigated the buying of verdicts in corporate civil lawsuits at district courts, high courts, and the Supreme Court. Based on information obtained from leaked corporate memos and other sources, the Review published a list that estimated the "price of victory" in a court case. Prices ranged from as little as \$8,300 at the Bandung District Court to as much as \$600,000 at the Supreme Court.

During the year, military courts prosecuted members of the armed forces, generally for common crimes. Apart from the handful of soldiers who were tried in human rights' courts, soldiers were always tried in military court, even for offenses that involved civilians or occurred when soldiers were not on duty. If a soldier was suspected of committing a crime, military police investigated and then passed their findings to military prosecutors, who decided whether or not to prepare a case. Military prosecutors, like military judges, were managed administratively by the TNI but were responsible to the Attorney General's office and the Supreme Court for the application of laws. Trials were conducted before a three-person panel of military judges. Appeals were made to the Military High Court; such appeals may question matters of fact or law. A Military Supreme Court based its rulings only on the application or interpretation of law. TNI convicts were held at prisons in the cities of Bandung, Medan, Makassar, and Surabaya. Each cell holds up to five persons. Some civilians complained about the brevity of prison sentences handed down by military courts. TNI legal officials responded that all troops sentenced to terms of 3 months or longer were discharged from the armed forces, regardless of their record or length of service, thus constituting a significant punishment.

Gross human rights violations can be adjudicated by four district courts. The law provides for each to have five members, including three non-career human rights judges, who were appointed to 5-year terms. Verdicts could be appealed to the standing High Court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes

against humanity, and command responsibility, but it does not include war crimes as a gross violation of human rights.

On August 5, the ad hoc human rights tribunal for East Timor concluded its trial phase in Jakarta with the conviction of Major General Adam Damiri of crimes against humanity. Damiri, who remained free on appeal, became the sixth of 18 Tribunal defendants convicted in connection with atrocities that occurred during April 1999 and September 1999 in 3 East Timor locations: Liquica, Dili, and Suai. The tribunal was convened in March 2002 although, according to even a broad interpretation of the human rights tribunal law, the Attorney General should have commenced prosecution in February 2001. The Government's failure to meet statutory deadlines in preparing cases for the tribunal represented a major procedural violation that could provide grounds to overturn any convictions on appeal.

During the year, the East Timor ad hoc human rights tribunal concluded the last four of 18 trials. Judges convicted former Dili police chief Hulman Gultom on January 20 (sentenced him to 3 years in prison), Army Brigadier General Noer Muis on March 12 (5 years) and Damiri, the highest-ranking defendant, on August 5 (3 years). These convictions followed the 2002 convictions of former Aitarak militia leader Eurico Guterres (10 years), former East Timor Governor Abilio Soares (3 years), and Army Lieutenant Colonel Soedjarwo (5 years). The court convicted Gultom for failing to control his subordinates in connection with the April 1999 massacre at the Dili home of pro-independence leader Manuel Viegas Carrascalao, and for failing to prevent similar violence at the workplace and residence of Bishop Carlos Ximenes Belo in September 1999. Noer Muis was convicted for failing "to prevent acts of omission by his subordinates, with the result that crimes against humanity occurred in the forms of murder and persecution" in Suai and Dili, according to the judgment. Judges ruled that Damiri, as commander of the military area that included East Timor, failed to take steps to avert a massacre when pro-integration militiamen went on a post-referendum rampage.

Although the human rights tribunal law stipulates 10-year minimum terms of imprisonment for the charges against the defendants, all but one of the six sentences handed down by judges were for shorter periods. In the case of Noer Muis, judges acknowledged that the 5-year sentence fell short of the minimum for crimes against humanity, but cited mitigating factors. Human rights activists criticized the sentences as incommensurate with the crimes. All six of those convicted remained free at year's end pending appeal. The law allows not only appeals of convictions, but prosecutorial appeals of acquittals, and there were indications that prosecutors were appealing many of the 12 acquittals to the Supreme Court.

The trials featured weak indictments and sub-standard work by prosecutors, who were hampered by severe time and geographical restrictions placed on the tribunal's jurisdiction. Most prosecutors built their case around the defendants' "failure to act," rather than their role in organizing or perpetrating atrocities, as strongly suggested by evidence gathered and offered by the U.N.'s Serious Crimes Unit (SCU) in Dili. The prosecutors' failure to fully use the resources and evidence available to them called into question the overall credibility of the Tribunal, as did their decision to call few East Timorese witnesses. Most of the witnesses called were themselves either defendants in other Tribunal cases or were individuals with a stake in supporting the defendants. Former president Habibie on March 21 testified that the U.N. was responsible for the unrest because it did not give the country enough time to prepare troops for the announcement of the result of East Timor's referendum in 1999. Meanwhile, defense attorneys and even judges sometimes badgered or otherwise mistreated witnesses, creating a climate of intimidation in the courtrooms. Uniformed soldiers armed with bayonets packed the gallery during many of the trials. Amnesty International reported that the Tribunal proceedings were "not honest, truthful, or fair." Human Rights Watch (HRW) called the trials a sham, proving that there was no interest in holding senior TNI officials accountable for their actions. A Government spokesman in April acknowledged "shortcomings" in the trials, but stated that these were due to technical deficiencies, rather than a deliberate miscarriage of justice.

On September 15, the ad hoc human rights tribunal for the 1984 Tanjung Priok incident held its first court session in Jakarta. Four 5-judge panels consisting of career and ad-hoc judges began to hear four cases: One against 11 soldiers, and the other 3 against 3 high-ranking active or former military officers, retired Major General Pranowo, Army Major General (retired) Rudolf Adolf Butar-Butar, and Army Major General Sriyanto Mutrasan, the commander of Kopassus. All of the defendants faced charges of crimes against humanity in connection with the 1984 mass shooting that occurred near the Jakarta port of Tanjung Priok and left at least dozens, and possibly hundreds, dead. The killings occurred when 11 soldiers opened fire on a large group of Muslim demonstrators who were marching toward the District Military Command and demanding the release of several detained colleagues. At the opening of Sriyanto's trial, soldiers stood shoulder to shoulder at the doors to the courtroom and prevented some observers, including journalists and foreign diplomats, from attending the session. Following the same session, some Tanjung Priok victims reported that they had received death threats from soldiers at the courthouse. Some of the defense teams argued that charges of crimes against humanity were unfairly being applied retroactively to their clients. The tribunal generated considerable domestic interest as the first human rights court to hear a case involving crimes against humanity committed during Suharto's rule.

A number of high-profile trials held during the year produced complaints that justice had not been served. On September 2 in Jakarta, the conviction of suspected JI leader Abu Bakar Ba'asyir on a treason charge disappointed both his supporters and his critics. The latter were upset that Ba'asyir was not convicted on the primary charge of planning treason and stated that his sentence of 4 years was not adequate for the crime. Judges ruled that he had taken part in a plot to overthrow the Government, but noted that it was not proved that he was the leader of this plot or that he headed JI, which was blamed for such terrorist attacks as the church bombings of Christmas Eve 2000. Ba'asyir was also convicted on two of three immigration-related charges. Both Ba'asyir and the Government subsequently appealed the district court's decision. In November, the Jakarta High Court overturned Ba'asyir's conviction for taking part in a plot to overthrow the Government, but upheld his conviction on immigration charges. Judges said Ba'asyir's involvement in JI and his blessing of various bombings, including the October 2002 Bali bombings, were acts of terrorism, not treason. Both Ba'asyir and the Government appealed to the Supreme Court, and both

appeals were pending at year's end.

In Central Sulawesi, the June 16 conviction for weapons possession of Rev. Rinaldy Damanik, a leader of the province's Christian community, was criticized. Police arrested Damanik after a vehicle in which he was riding was stopped and found to contain 14 firearms and ammunition. A Palu court sentenced him to 3 years in prison. Some of Damanik's supporters argued that he had been entrapped; others claimed he was being persecuted for being a Christian who spoke out on behalf of his community. Others complained that Muslims involved in similar offenses in Central Sulawesi had yet to be prosecuted. Legal experts said Damanik had hurt his legal defense by refusing to show up for a number of court sessions. In a separate case, on January 30, the East Jakarta District Court acquitted Jafar Umar Thalib, former leader of the Islamic militia Laskar Jihad, of inciting religious violence and other charges. The verdict was criticized by human rights activists and Christian community leaders, who noted that Laskar Jihad was responsible for the deaths of large numbers of Maluku Christians. Two days earlier, a North Jakarta District Court had sentenced in absentia Maluku Sovereignty Front (FKM) leader Alex Manuputty, a Christian, separatist and supporter of the South Maluku Republic movement, to 3 years in prison for plotting a rebellion in the Malukus. Manuputty appealed his conviction to the High Court and then to the Supreme Court, which upheld his conviction on December 16. Manuputty was a fugitive from justice at year's end.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. The law also provides for searches without warrants when circumstances are "urgent and compelling." Security officials occasionally broke into homes and offices. The authorities generally did not monitor private communications, but they occasionally spied on individuals and their residences and listened in on telephone calls. There were reports that the Government occasionally infringed upon privacy rights of migrant workers returning from abroad, particularly women. Corrupt officials sometimes subjected migrants to arbitrary strip searches, stole their valuables, and extracted bribes at special lanes set aside at airports for returning workers.

Land disputes generated charges of unfair evictions and excessive force by the public security officials. FAKTA estimated that public security officials evicted at least 40,000 persons during the year, compared with 20,000 in 2002. On July 18, police in Bondowoso, East Java, who were enforcing a court order in a land-dispute case, fired a rubber bullet and killed the daughter of the losing party in the court battle. Four officers reportedly were injured in the incident and 31 persons were arrested. On August 26, public security officers in Tambora, West Jakarta brutally evicted approximately 10,000 squatters from privately owned land. FAKTA and the Urban Poor Consortium (UPC) argued that the evictors acted as defacto mercenaries on behalf of PT Cakra Wira Bumi Mandala, the company that owned the land and planned to resume building a business complex there. On September 17, a separate mass eviction occurred in Cengkareng, West Java, where security officers forcibly evicted thousands of residents from land owned by a state-owned company. One week later, a person died of injuries sustained in the eviction. According to the victim's brother, the man's kidney was punctured by a broken rib resulting from a struggle with Brimob officers and West Jakarta security personnel. A 15-year-old female evictee was believed to have been sexually assaulted by security officials immediately after the raid (see Section 5).

On January 15 in the Central Java village of Darmakradenan, approximately 2,000 farmers disappointed with a court decision occupied state land that they argued was stolen from them by the military in 1965. Shortly thereafter, a large number of Brimob officers and soldiers ousted the farmers, and injured 31 persons. The Indonesian Farmers Movement Network (JGPI) reported that canes, boots, rifle stocks, and rubber bullets were used in the clash, which allegedly continued in a residential area even after the farmers had fled the occupation site. On August 21, farmers from the West Java regency of Garut met with officials of KOMNAS HAM and alleged systematic violence by the security forces. The farmers, supported by the West Java Farmers Union and the Indonesian Forum for the Environment (WALHI), reported that this violence had occurred in mid-August when security forces apprehended 54 farmers who had been cultivating land owned by a state-owned forestry company. They added that the security forces had burned the homes of at least 39 farmers and seized tools and other property. In Sumatra, local communities involved in the pulp and paper industry reportedly were experiencing persistent human rights abuses, including land seizures, by police and corporate security guards. HRW also alleged that companies such as Arara Abadi routinely seized local residents' land for plantations, with little or no compensation.

Human rights activists viewed the national identity card (KTP) system as a form of government interference in the privacy of citizens. The KTPs, which all citizens are required to carry, identify the holder's religion. NGOs charged that the KTPs undermined the country's secular tradition and endangered cardholders who traveled through an area of inter-religious conflict. Members of the five religions officially recognized by the Government—Islam, Protestantism, Catholicism, Hinduism and Buddhism—had little or no trouble obtaining accurate identification cards during the year; however, members of minority religions frequently were denied a card, or denied one that accurately reflected their faith.

Looting was a problem in areas of Aceh province where the security forces had forced residents to move to refugee camps. In July, hundreds of residents of the Bireuen village of Juli Keude Dua and 10 neighboring communities returned home to find that their houses and shops had been looted. Televisions, radios, cassette players, and refrigerators were among the missing items.

In many parts of the archipelago, particularly in Kalimantan and Papua, local residents believed that the government-sponsored transmigration program interfered with their traditional ways of life, land usage, and economic opportunities. During the year, the program moved at least 89,097 households from overpopulated areas to a total of 351 more isolated and less developed areas. The Government sent at least 12,136 households to Central Kalimantan, making that province again the top destination.

In Central and Western Kalimantan, NGOs accused the Government of not adequately addressing the issue of assets lost by ethnic Madurese following inter-ethnic violence in 2001.

The Government used its authority, and at times intimidation, to appropriate land for development projects, particularly in areas claimed by local persons, and often without fair compensation. In other cases, state-owned companies were accused of endangering resources upon which citizens' livelihood depended. On March 17 at Singkarak Lake in West Sumatra province, approximately 1,400 fishermen reportedly threatened to cut off the water supply to a hydropower plant operated by the State Electricity Company (PLN), alleging that its operations had depleted the lake's fish population.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and freedom of the press; however, the Government at times restricted these rights in practice. During the year, the Government jailed at least five peaceful anti-government protestors convicted of "insulting the President" or "spreading hatred against the Government." In addition, politicians and powerful businessmen showed greater willingness to file criminal or civil complaints against journalists whose work they found insulting or offensive, and this trend undermined press freedom. Also during the year, journalists faced increasing threats or violence.

In January, after protests that followed a Government announcement of price increases, the President, police, and Cabinet ministers all spoke out against protestors who insulted "state symbols." By July, the Government had in the preceding 24-month period prosecuted 25 protestors who had peacefully expressed their political views. On April 28, the Yogyakarta District Court found Ignatius Mahendra Kusuma Wardana and Yoyok Edo Widodok guilty of burning a photo of the President and Vice President at a January rally and sentenced them to 3 years in prison. On June 16, a Jakarta court sentenced Iqbal Siregar of the Islamic Youth Movement (GPI) to 5 months in prison for insulting the President at an anti-government protest in front of the State Palace. Siregar had carried a poster featuring the President with tape covering her eyes and had also started a chant: "This is the President who has disappointed the people." NGOs such as HRW, Amnesty International, and Kontras criticized the Government's prosecution of peaceful protestors.

In Aceh province, press freedom deteriorated during the year. Martial law administrators took various steps to limit information coming out of Aceh, including restricting access of foreign journalists and diplomats, blocking cellular telephones, and forbidding contact with GAM. Journalists in Aceh experienced serious difficulties operating under martial law. The Government issued a decree that required each news coverage activity to "be supported by written permission by the head of Aceh's Emergency Military Authority." However, enforcement of the decree was erratic. In practice, only foreign journalists and local journalists reporting for foreign news organizations required special permits from the martial law administrator. The administration did not directly censor reporters' stories, but many local journalists felt intimidated by public criticism from army spokesmen about specific stories, as well as by passionate statements from military commanders urging journalists to report "patriotically." Journalists also expressed concern that critical reporting of TNI operations could cause them to lose access to military press briefings. Finally, the uncertain security situation in many parts of the province limited access to many areas. In the early weeks of the operation, the TNI operated a program of "embedding" journalists with military patrols. Many journalists who worked in Aceh--both embedded and independent--indicated they felt threatened by both GAM and the TNI in reporting on events. The military terminated the embedding program after 1 month. Some journalists complained that pressure by the TNI on their Jakarta-based editors also limited negative reporting of the conflict. For example, in late May, the Surya Citra Television network (SCTV) fired reporter/producer Dandhy Dwi Laksono after the network aired Laksono's interview with an Acehnese man who said he had been tortured by soldiers. Laksono told a media watchdog group that the TNI took offense at the report and that this prompted his dismissal.

Journalists faced violence and intimidation from police, soldiers, government officials, rebels, thugs, students, and ordinary citizens. During the year, the Alliance of Independent Journalists (AJI) recorded at least 36 physical attacks against journalists as well as 24 non-physical acts that included death threats and lawsuits. For example, on February 26 in the West Java city of Bandung, police assaulted five journalists who were covering a student protest outside the provincial assembly building (DPRD). Dedi Sudandi of the daily *Pikiran Rakyat* was preparing to photograph a policeman who was beating a student when Sudandi was dragged into a crowd of policemen and pummeled. Police intentionally fired a water cannon at the other four journalists and damaged their television equipment. On August 23, approximately 30 unidentified youths ransacked the Maluku Media Center in Ambon, injuring a number of persons and destroying furniture. Police later arrested nine persons and said the attack was not news related but linked to an earlier dispute that occurred near the center.

There were many violent attacks against journalists in Aceh. For example, on June 19, the corpse of TVRI cameraman Jamaluddin was found near Banda Aceh with his hands tied, mouth sealed, and head covered with a plastic bag (see Section 1.a.); however, evidence suggested that the killing may have been unrelated to his press activities. On July 20 in the North Aceh community of Krueng Keukeuh, unknown gunmen opened fire on the home of Waspada newspaper journalist Idrus Jeumpa, killing Jeumpa's wife and injuring him and his two children. In early July in the South Aceh village of Panton Luas, five soldiers allegedly beat brutally 68H radio journalist Alif Imam Nurlambang. On June 29, the GAM abducted journalists Ersas Siregar and Fery Santoso, along with the wives of two Air Force officers (see Section 1.b.). The GAM's commander in East Aceh, Ishak Daud, defended the abductions by saying that TNI intelligence officers frequently used vehicles marked "press," an assertion confirmed by journalists.

Expulsion was occasionally used against journalists. For example, on June 24, Aceh military authorities forced Korean reporter Jeong Moon Tae and Indonesian Reuters photographer Tarmidzi Harva to leave the province.

On March 8, persons linked to well-connected tycoon Tomy Winata appeared at Tempo Magazine's headquarters in Jakarta and criticized an article that implied Winata stood to benefit from a mysterious fire that destroyed a Jakarta market. They assaulted Tempo journalists, including Chief Editor Bambang Harymurti, both at the headquarters and later at a police station. Tempo lawyers reported the matter to the authorities and sued the assailants, but judges exonerated the group's leader. Winata's attorneys responded by initiating four new lawsuits (two civil and two criminal), actions that free press activists asserted were attempts to intimidate media companies into silence. On September 29, a judge in one of the four suits impounded the home of one of the defendants, Tempo columnist Goenawan Mohammad. The seizure warrant was issued after the impoundment occurred. A separate panel of judges called the action "erroneous," but declined to reverse the court order. On October 6, a Jakarta court ruled in favor of AJI in a civil suit against the police, who failed to act to protect journalists during the March 8 Tempo attack.

Government leaders and politicians showed greater willingness to use legal action against journalists for defamation claims. In September, Jakarta prosecutors demanded a 1-year sentence for Rakyat Merdeka daily editor Soepratman, who was charged with defaming President Megawati by publishing four defamatory headlines, such as: "Mega's Mouth Reeks of Diesel Fuel." On October 22, Soepratman was acquitted of slander; however, he was convicted of spreading hatred against the Government and given a 6-month suspended sentence. On September 9, a Jakarta court delivered a suspended 5-month sentence to another Rakyat Merdeka editor, Karim Paputungan, for a front-page political cartoon that showed an unflattering portrayal of Akbar Tandjung, the Golkar Party chairman and DPR Speaker who was convicted in 2002 of embezzling \$4.5 million in state funds intended for public food assistance.

The Government did not initiate legal action against any person responsible for crimes committed against journalists in 2002. However, following a lawsuit filed by AJI, the Central Jakarta District Court on January 27 ordered Jakarta Governor Sutiyoso to apologize to a reporter who had been intimidated by a city public order officer. The journalist, Edi Hariyadi, was reporting on an eviction in March 2002 when the officer, Dapot Manihuruk, tried to prevent him from covering the story. Hariyadi later experienced repeated acts of intimidation. Sutiyoso's lawyers appealed the decision to the High Court and the case was under consideration at year's end. In a separate case, the Government did not make any arrests in connection with the June 2002 police beating of journalist Wisnu Dewabrata. According to Media Watch, Kompas sued the police force but then, fearing difficulties with the police, withdrew the suit. Police then allegedly sent an apology to Dewabrata.

Pervasive corruption undermined journalism, as did the lack of an enforceable journalistic code of ethics. According to an international survey published in September, the country was among the three countries where journalists were most likely to compromise their integrity by taking bribes.

During the year, the Government began implementing the Broadcasting Law that was passed in November 2002, including issuing frequency licenses and forming what appeared to be a fair broadcasting commission; however, since the law was still under judicial review for conformity with the Constitution, it was not fully implemented by year's end. Some critics argued that the law could permit censorship.

Despite numerous incidents of violence and intimidation of the press, there were some positive developments. Unity among journalists and their commitment to protect their colleagues appeared to have strengthened. Some members of the press also continued their aggressive reporting on such issues as corruption, Aceh, and environmental degradation. As decentralization proceeded, regional media increasingly prospered. In addition, moderate Islamic publications increased in number and popularity; some observers characterized the publications as the voice of the "silent majority." Panjimas magazine reinvented itself to present moderate views more aggressively, and the women's magazine Noor tried to promote a modern Islamic female lifestyle. Editors of both magazines said they were consciously responding to radical publications such as Sabili magazine, which they asserted did not reflect the majority Muslim view of the world.

A Government-supervised Film Censorship Institute continued to censor domestic and imported movies for content that is pornographic or deemed religiously offensive. By law, Communist teachings cannot be disseminated or developed. Although no mainstream books were banned during the year, Central Java Police Chief Didi Widayadi announced on September 19 that the provincial government had banned publications that describe methods for carrying out acts of terrorism or holy war.

The Government did not restrict Internet usage or content.

The law provides for academic freedom, and the Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in certain areas. The law requires that persons planning to hold a demonstration notify police 3 days in advance and appoint someone accountable for every 100 demonstrators. The law generally does not require permits for public social, cultural, or religious gatherings; however, any gathering of five or more persons related to political, labor, or public policy required police notification (see Section 6.a.).

Police used excessive force at a number of demonstrations during the year (see Section 1.c.). For example, on February 26 in Bandung, West Java, police forcibly dispersed a demonstration outside a government building and many students reportedly sustained head injuries. Journalists were also injured (see Section 2.a.).

In Aceh, the security forces interfered with or shut down a number of public rallies, ostensibly for a lack of proper permits. For example, on January 9, police physically prevented thousands of civilians from attending a rally demanding the withdrawal of the security forces from the province. At one point, Brimob officers fired warning shots; four demonstrators were injured, two seriously. Although the shootings appeared to be accidental, police later charged two speakers at the rally with "spreading hatred." One of those charged, Muhammad Nazar, was convicted and sentenced to 5 years' imprisonment (see Section 4). The other, Kautsar, fled prosecution and remained at large at year's end.

On some occasions, counter-protestors violated the right to peaceful assembly. For example, on March 20 in Malang, East Java, members of an Indonesian Democratic Party of Struggle (PDI-P) youth group attacked students from various universities who were calling on the President and Vice President to resign. The violence resulted in 31 injuries, 6 of them serious.

The Government did not report any progress in prosecuting those responsible for the September 2002 forcible dispersal by Jakarta police of participants in a massive rally against the reelection of Governor Sutowo. Similarly, no arrests were made in connection with the distribution of food containing cyanide at the same rally. In addition, no arrests were made over the May 2002 attack in the Central Java city of Semarang on two anti-poverty activists by persons who claimed to be members of the ruling PDI-P.

The Constitution provides for freedom of association; however, the Government restricted the exercise of this right. Although the Papua Special Autonomy Law permits the flying of a flag symbolizing Papua's cultural identity, the police prohibited the flying of the Papuan Morning Star flag. There were unconfirmed reports that on July 7 in Wamena, police shot and killed one person, whose name was not released, for attempting to raise the Morning Star flag in front of a government office. In related incidents, police removed such flags at numerous locations and continued their crackdown against Papuan nationalist T-shirts, stickers, bracelets, and other items they felt were associated with the separatist movement. In September, police reportedly carried out a "sweep" for such accessories in the Central Papuan Highlands city of Wamena.

The security forces continued to enforce a prohibition on the flying of the GAM flag. In July, Aceh's Governor instructed all Acehnese to fly the Indonesian national flag from July 8 to September 1, and residents who displayed a worn or tattered one were reportedly ordered to buy a new one. The flying of the red-and-white national flag was seen as a test of their loyalty to the state and their rejection of the separatist movement. On May 21, 37 homes in the Bireuen subdistrict of Peusangan were reportedly burned for not displaying the national flag. Some human rights activists accused the Government of forcing civilians to take part in patriotic mass rallies, such as the June 17 event in Banda Aceh, in which 10,000 young persons declared their loyalty to the unitary state of Indonesia. Similar rallies were held in Aceh Besar, Pidie, Bireuen, North Aceh, and East Aceh.

c. Freedom of Religion

The Constitution provides for "all persons the right to worship according to his or her own religion or belief," and states that "the nation is based upon belief in one supreme God." The Government generally respected the former provision, but only five major faiths--Islam, Protestantism, Catholicism, Hinduism and Buddhism--received official recognition in the form of representation at the Ministry of Religious Affairs. Other religious groups were able to register with the Government, but only with the Ministry of Home Affairs, and only as social organizations. These groups experienced official and social discrimination. By stipulating that the country is based on belief in one God, the Government does not recognize atheism.

Following a sharp drop in violence between Christians and Muslims in the provinces of Maluku, North Maluku, and Central Sulawesi, inter-religious tolerance and cooperation improved during the year. During the first 6 months of the year, many Muslims and Christians in those provinces worked together to repair mosques and churches. In the Malukus, local governments reunited many government offices that since 1999 had separated into Christian and Muslim units. In Bali, where some feared that the October 2002 bombings would strain relations between Hindus and Muslims, no confrontations were reported during the year. As in previous years, some political parties advocated amending the Constitution to adopt Islamic law (Shari'a) on a nationwide basis, but most Parliamentarians and the country's largest Muslim social organizations remained opposed to the idea.

During the year, at least 7 churches were attacked; in 2002 attackers destroyed or forcibly closed 20 churches. Attacks occurred in the West Java communities of Haur Ngomong, Melayu Barat, and Cilaku; the Jakarta communities of Pondok Bambu and Kemayoran; the Central Java village of Modalan; and the North Sumatra village of Bandar Selamat Asahan. Approximately half of these attacks involved arson committed by unidentified persons, while others featured forced closures, either by mobs or by the authorities. No attacks on mosques occurred during the year. This marked an improvement from 2002, when at least two mosques were attacked. On March 13, a homemade bomb was found on the roof of Ambon's Al-Fatah mosque, but it did not explode and it was believed been there for a long period. The Government did not report progress in prosecuting those responsible for the September 2002 mob attack on a mosque, homes, and shops belonging to the Ahmadiyah community in the East Lombok town of Selong; however, the ICG reported that the attack--and another attack the same month on a Lombok mosque belonging to the Institute for the Proselytization of Islam in Indonesia (LDII)--came after district government chiefs issued decrees that said the two sects were not officially sanctioned. It was unclear what, if any, government investigation followed the July 2002 attack on a mosque in the predominantly Catholic town of Maumere and the September 2002 attack on

an LDII mosque in Bima.

The civil registration system continued to discriminate against members of minority religions. Civil Registry officials refused to register the marriages or the births of children of Animists, Confucians, members of the Baha'i faith, and others because they did not belong to one of the five officially recognized faiths. Hindus, despite official recognition of their religion, sometimes had to travel far to register marriages or births, because in many rural areas the local government could not or would not perform the registration. Persons whose religion was not one of the five officially recognized faiths, as well as persons of Chinese descent, had difficulty in obtaining a KTP, which was necessary to register marriages, births, and divorces. On April 9, followers of the indigenous belief system "kepercayaan" met with commissioners of KOMNAS HAM in Jakarta and complained about official discrimination, most notably in the area of civil registration. The 100-member delegation from the Cigugur Adat (traditional) community, based in West Java, reported that they could not get births or marriages registered, and that their children were disadvantaged at schools because they did not belong to one of the five officially recognized religions. The visitors also expressed concern about a movie titled "Infidel" which was popular at the time. They asserted that its depiction of the late Cigugur founder, Pangeran Madrais, as a witch doctor was harshly offensive and that he was in fact a holy man who had brought people together.

Men and women of different religions experienced difficulties both in getting married and registering the marriage. The Government refused to register any marriage before a religious marriage ceremony had taken place. However, very few religious officials were willing to take part in any wedding involving a man and woman of different faiths. For this reason, some soon-to-be brides and grooms converted to their partner's religion, sometimes superficially, in order to be married. Others resorted to traveling overseas to wed.

During the year, religious instruction sparked intense public debate. Such instruction is required for students at elementary and secondary public schools. On June 11, the DPR passed a controversial Education Bill that drew in part on "faith and piety" language newly included in the Constitution. Muslims largely supported the law, while Christians generally rejected it. It states, among other things, that each student has the right to receive religious instruction by a teacher of the same faith. Because few non-Muslims attended Muslim schools, such schools would likely be unaffected by the law, and thus not required to hire non-Muslim teachers, create a program for a (non-Muslim) religion class, or create a space for worship by Christian or other students. However, many Catholic and Protestant churches, church groups, and schools viewed the law as state intervention into private religious affairs. They expressed concern that high-quality Christian schools which attract many Muslim students would be forced to hire Muslim teachers, create a program for an Islam class, and set up a mushollah (prayer room). Muslim supporters argued that the nation's moral decay required swift action to instill ethics and morality in its youth. Other Muslims said the law was aimed at assuring Muslim parents that their children could receive a high-quality Catholic school education and still receive Islamic guidance. Many Muslim intellectuals opposed the law, saying it was too steeped in religion and that education should be based on enlightenment, rather than piety. Political observers saw the bill's passage as politics in preparation for 2004 elections. By year's end, the Government had not taken any concrete steps to implement the bill's provisions.

On March 3 in Aceh province, the Government began the implementation of Shari'a by issuing a presidential decree establishing Islamic law courts in that province. There was no evidence that suggested that Shari'a was being applied to non-Muslims in Aceh. Some in Aceh worried that implementation of Shari'a would provide new powers to already-discredited law enforcement institutions and provide opportunities to intrude on private religious matters, such as whether an individual attends Friday prayers. At year's end, such concerns thus far appeared unfounded. Women's groups played an active role in helping draft local regulations in order to avoid provisions that might restrict women's rights.

In some municipalities, local leaders applied stricter Islamic practices during the year. For example, in the West Java regency of Cianjur, a local regulation required all government workers to wear Islamic clothing every Friday. Virtually all women complied with the regulation, and women's groups including Women's Solidarity (Solidaritas Perempuan) said the women were afraid to not comply. Some residents alleged that the authorities were meddling in private affairs. In some areas, Islamization campaigns that began in 2002 seemed to lose momentum during the year. In the Madura regency of Pamekasan, the regent had set up a "local Shari'a" implementation committee and promulgated a decree calling for Muslim attire for civil servants and for public and work activities to cease during the call to prayer. During the year, the committee set less ambitious goals such as that persons should obey the rules of the road and not build food and drink stalls on sidewalks and medians.

The Human Rights Law allows conversions between faiths, but converts to minority religions sometimes felt reluctant to publicize their conversions because they feared discrimination.

As in previous years, during the Muslim fasting month of Ramadan, many local governments ordered either the closure or limited operating hours of various types of "entertainment" establishments. The Jakarta decree ordered the month-long closure of non-hotel bars, discos, nightclubs, sauna spas, massage parlors, and venues for live music. However, billiard parlors, karaoke joints, and hotel bars and discos were permitted to operate for up to 4 hours per night. Some members of minority faiths, as well as some Muslims, felt that these orders infringed on their rights. However, enforcement of the orders varied.

Foreign missionaries who obtained visas were generally allowed to work without serious restriction.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution allows the Government to prevent persons from entering or leaving the country, and sometimes the Government restricted freedom of movement. The Law on Overcoming Dangerous Situations gives the military broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic; however, the Government did not use these powers.

The Government restricted freedom of movement through a system of "travel letters," which were required for travel within Maluku, Aceh, and Papua. Enforcement was inconsistent. In parts of Papua, officials required a travel letter for a resident to walk from one village to another. The system promoted police graft and the monitoring of citizens' activities.

On May 18, President Megawati issued a decree establishing martial law in Aceh province for an initial period of 6 months. On November 19, the Government extended martial law for 6 months. The decrees name the President as the central martial law administrator and appointed Aceh Regional Military commander, Major General Endang Suwarya, as regional martial law administrator. The decrees give the regional martial law administrator overall government authority for the province and power to issue emergency measures to control travel, trade, transport, and other civilian activities. The basis for the decree is a 1959 "Government Regulation with the Force of Law" on National Emergencies. Human rights activists called the President's decrees vague and stated that, by drawing their authority from a 44-year-old law, the decrees do not explicitly recognize subsequent human rights legislation or the rights of non-combatants in a conflict area.

The Government restricted some residents' movements through the issuance of new national identity cards. These cards required the signatures of the holder's local military commander, local police chief, and village head. Acehnese who wished to travel or leave the province had to produce these cards at security checkpoints along main highways. Failure to produce the card was cause for arrest. In practice, the cards were easily obtained.

The Government also restricted movements in order to close avenues of supply to GAM rebels. In the remote Lokop district of East Aceh, home to 30 villages and a heavy rebel presence, TNI units monitored and controlled food shipments moving in and out of villages and limited shipments to TNI-linked suppliers. Soldiers also limited the amount of food each family could purchase, and this resulted in malnutrition, according to the Aceh branch of Kontras. In addition, troops reportedly restricted the hours that fishermen could fish, and the hours that rice farmers could work their fields.

In Central Kalimantan, where inter-ethnic violence in 2001 prompted approximately 130,000 ethnic Madurese migrants to leave, mainly to Madura and East Java, at least 13,000 ethnic Madurese returned to Central Kalimantan between March and the end of the year. However, in the interim, a number of regency governments, including those of Barito Utara, Barito Selatan, and Kotawaringin Barat, had introduced regulations that prohibited the return of ethnic Madurese unless they could prove they had previously lived in the area for a certain length of time--such as 10 years--and did not have a criminal record. Several minor incidents of ethnic violence occurred during the year. Relations between Madurese and Dayaks remained poor. The West Kalimantan city of Sambas remained effectively inaccessible for its former Madurese residents.

In September, the Government lifted a 3-year state of emergency in the Malukus and ended a dusk-to-dawn curfew. The Government also ceased requiring foreigners to obtain a special permit to visit the Malukus.

The Government prevented at least 282 persons from leaving the country during the year and at least 4,000 persons from entering. The Attorney General's Office and the High Prosecutor's office prevented most of these departures and entries. Some of those barred from leaving were delinquent taxpayers, while others were involved in legal disputes.

The country continued to make dramatic progress in lowering its IDP population. In June, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated that there were 587,000 IDPs in the country. This was down sharply from the 1,413,708 cited in 2002 by the World Food Program. Thousands of IDPs returned home due to the sharp reduction in communal violence in the provinces of Maluku, North Maluku, and Central Sulawesi. In May, according to OCHA, the areas with the highest numbers of IDPs were Maluku (232,000), Madura (125,000), and North Sumatra (122,000). The Government's military operation in Aceh did not produce a large flow of IDPs outside the borders of the province. Some of the country's IDPs lived in emergency shelters while others stayed with host families or were integrated into local communities. The Government dealt with many aspects of crisis but continued to rely on international organizations and donors to assist with most IDPs' needs. In theory, each IDP had a right to three options: they could return to their place of origin, start anew in their current location with the Government's assistance, or resettle through a relocation program. In some cases, including in North Sumatra, governmental assistance amounted to a one-time payment of approximately \$1,000 per family. However, the Government was not able to reach all IDPs, and, of those reached, the Government did not offer all such options. On June 30 on the North Maluku island of Ternate, thousands of IDPs who claimed that the Governor had stolen aid earmarked for their return to Halmahera island clashed with hundreds of police and soldiers. No injuries were reported. NGO activists who worked with IDPs reported that in conflict areas, the Government was doing little or nothing to see that compensation was provided for losses suffered or that justice was served for those responsible. Activists reported that IDPs were vulnerable to trafficking in persons, and others warned that widespread violence could re-ignite at any time in some regions.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. The Government cooperated with the U.N. High Commissioner on

Refugees (UNHCR), which maintained an office in Jakarta. At year's end, there were 233 U.N.-recognized refugees and 68 asylum seekers living in the country. Some were applicants and others were dependents. Most were from Iraq, Afghanistan, or Iran. Some of the refugees had been accepted by Western resettlement countries but had not yet departed.

The above figures did not include approximately 28,000 former refugees from East Timor who resided in West Timor at year's end. The Government and UNHCR stated that at year's end, the remaining East Timorese in West Timor would no longer be considered refugees. Most of these former refugees resided in makeshift camps in the West Timor regencies of Atambua and Kupang. Many of these individuals did not want to return to their homeland; others wanted to return but apparently felt constrained by those opposed to returning. An NGO worker who frequently visited the camps estimated that 15 percent of their residents desired to return to East Timor. Meanwhile, the heads of at least five districts in East Nusa Tenggara province refused publicly to provide resettlement land for the former refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. During the year, they exercised this right indirectly, as their elected legislators chose governors in regional DPR elections. The Constitution provides for general elections every 5 years. The last elections were held in 1999 and the next were scheduled for April 2004. During the year, the police and military continued to hold 38 appointed seats jointly in the DPR and 10 percent of the seats in provincial and district parliaments; however, according to a 2002 amendment to the Constitution, they will lose their appointed DPR seats after the 2004 elections. The DPR members automatically are members of the MPR, which also includes 130 regional representatives elected by provincial legislatures, and 65 appointed representatives from functional and societal groups.

Domestic and international observers monitored the 1999 elections and considered them largely free and fair. Following the 1999 elections, the MPR, in a transparent manner, elected Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President. In July 2001, the MPR convened an "Extraordinary Session" to require President Abdurrahman Wahid to account for his performance. Wahid refused to appear, claiming the charges were politically motivated, and instead issued a directive to "freeze" the MPR, the DPR, and the Golkar Party and to hold new elections. This exceeded his authority under the Constitution, and the military and police refused to enforce these measures. On July 23, 2001, the MPR canceled Wahid's mandate, and Vice President Megawati replaced Wahid as President, as provided by law.

During the year, the Government made preparations for the 2004 national elections, including the first direct election of the President in the country's history. The Election Commission (KPU) scheduled the first round of balloting for April 5, 2004. On July 7, the DPR passed a long-awaited Presidential Election Law. The law lowered the threshold for political parties and coalitions to register their tickets for the presidential/vice-presidential elections. Parties can register their presidential/vice-presidential candidates as much as 2 weeks after the issuance of the results of the legislative elections, if they win 3 percent of the next Parliament's seats or 5 percent of the 2004 popular vote. From a field of over 270 prospective parties, 50 met these registration requirements. The KPU then examined whether these parties met the requirements of the Political Party Law, including having offices and sufficient party membership in a prescribed number of provinces and district. On December 7, the KPU confirmed the eligibility to participate in the 2004 elections of the 6 largest political parties that participated in the 1999 elections as well as 18 parties formed subsequently.

The MPR can amend the Constitution and issue decrees, functions it performed in the first of its "annual sessions" held in 2000. A key demand of the reform movement was an overhaul of the 1945 Constitution, which was seen as having fostered the development of past authoritarian regimes. In the First Amendment of the Constitution, the 1999 MPR passed curbs on executive power, including a limit of two 5-year terms for the President and Vice President. At the same time, the MPR empowered an ad-hoc working committee to consider further amendments and to draft MPR decrees. This effort resulted in the adoption in 2000 of the Second Amendment, which included many important changes, including provisions for protections of human rights, regional autonomy, and further separation of powers. During its 2001 session, the MPR amended the 1945 Constitution to provide for direct presidential and vice-presidential elections, a bicameral legislature with a regional representative's chamber, and a Constitutional Court with the power of judicial review of legislation, certain election disputes and impeachment proceedings. This court was inaugurated on August 17. In 2002 the MPR approved the Fourth Amendment, which requires presidential and vice presidential candidates to run together on a single ticket. It provides for a second round of direct voting if no one candidate gets a majority of votes cast, as well as at least 20 percent of the vote in half of the provinces. The MPR retained authority to amend the Constitution but was no longer empowered to establish broad guidelines of state policy. The constitutional changes also restricted the MPR's authority to impeach the President. The 1999-2002 amendments, if fully implemented, would make the President and the Vice President directly accountable to constituents.

All adult citizens were eligible to vote, except active duty members of the armed forces, convicts who are serving a sentence of 5 years or more, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Former members of the banned Indonesian Communist Party (PKI) are allowed to vote but may not run for office.

There were no legal restrictions on the role of women in politics. A woman, Megawati Soekarnoputri, served as President; however, women accounted for only 2 of the 32 Cabinet ministers, 44 of the 500 DPR members, and 8 of the 45 Supreme Court Justices. In February, the DPR passed an election law that included a non-binding call for parties to select women for at least 30 percent of the candidate slots on their party lists. Some women's rights NGOs were concerned that political parties would simply

add women to the bottom of their proportional representation candidate lists, which would result in no significant increase in women DPR members.

There were no legal restrictions on the role of minorities in politics. There were 365 members of minorities in the 500-seat DPR; minorities meaning legislators from areas outside of Java, the most populous island, or neighboring Madura Island. There were 12 members of minorities in the 33-member Cabinet. While most Cabinet members were Javanese, Sundanese, or Madurese, minority members were of Bugis, Batak, Acehnese, Minang, Flores, Balinese, Banjar, Arab or Chinese heritage.

During the year, the Government continued its far-reaching decentralization program authorized by the 1999 Regional Autonomy Law. The devolution of powers continued, primarily to regencies (roughly the equivalent to large counties in the U.S. system) and municipalities.

In Papua, the Government's plan to divide the province into three generated significant opposition from NGOs, religious leaders, community leaders, and the Papuan Governor. Law 45/1999 called for the creation of the two additional provinces of West Irian Jaya and Central Irian Jaya. However, the subsequent Law for Special Autonomy in Papua in 2001 makes clear that partition is only possible with approval of the Papuan People's Council (MRP) and the Papuan legislature. In January, the Government issued a Presidential Instruction, which overlooked the Special Autonomy Law and called for implementation of the 1999 law. Some critics said the plan would create discord, while others accused the Government of trying to destabilize Papua, to undermine the separatist movement, and to perpetuate full Government control. Stung by this criticism, Home Affairs Minister Hari Sabarno indicated that the partition plan would not be fully implemented until after the 2004 elections. Nevertheless, the Government subsequently recognized the province of West Irian Jaya and inaugurated its governor. In September, local politicians in Timika declared the establishment of Central Irian Jaya, resulting in street fighting between groups for and against the move. Following days of violence that left five persons dead, the Government announced it had postponed the creation of the new province.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic NGOs were subject to monitoring, abuse, harassment and interference by the Government; however, they remained active in advocating improvements to the Government's human rights performance. KOMNAS HAM reported that, since 2000, 14 human rights activists had been killed, and that in not one of these cases had the perpetrators been brought to justice. Many NGOs, particularly those in Aceh, accused the security forces of obstructing their activities and expressed concern that this prevented the revealing of many human rights violations. During the year, organized groups attacked members or offices of a number of NGOs and related organizations, including Kontras, IMPARSIAL, the Indonesian Red Cross (PMI), the Human Rights and Anti-Violence Foundation (HAMAK), and others.

In Aceh, NGOs experienced intense governmental interference, particularly after the Government launched a military operation against GAM rebels in May. The security forces repeatedly summoned many domestic NGO activists for questioning regarding possible links to GAM. The resulting intimidation prompted between 100 and 200 activists to leave the province. The Government effectively prohibited foreign humanitarian aid workers from the province, except for a limited number attached to U.N. agencies. For example, in June, a government decree prevented foreign NGOs from communicating directly with Acehnese without prior approval from local authorities. The same decree required martial law administrators to distribute all humanitarian aid. The Government criticized NGOs that questioned its policies. HRW called for the removal from Aceh of six serving or retired TNI officials who are known human rights violators. In November, the TNI removed Major General Adam Damiri, who was convicted of crimes against humanity by the country's own Ad Hoc Tribunal for Human Rights in East Timor (see Section 1.e.).

Following the imposition of martial law in Aceh, the Government charged at least six activists with crimes, including Cut Nurasikin, a director of Srikandi Aceh, a prominent Acehnese women's organization. Police charged her with being a leader of Inong Balee, GAM's women's auxiliary. She was convicted on October 21 and sentenced to 11 years in prison. On July 3, political activist Muhammad Nazar was convicted and sentenced to 5-years' imprisonment (see Section 1.e.).

There were reports of the killing of members of NGOs in Aceh (see Section 1.a.). For example, on June 7, a Kontras volunteer named Syaiful Bachri was shot and killed in the East Aceh village of Beringin. The military claimed that four GAM members shot Bachri while he was en route to his parents' home.

In September in Papua, five unidentified men abducted NGO activist Abner Doundi of HAMAK and held him for 18 hours. Papuan police chief Budi Utomo promised to investigate; however, there had been no further developments by year's end. In a separate case, the TNI commander in Papua, Major General Nurdin Zainal, submitted, withdrew, and then resubmitted a defamation lawsuit against John Rumbiak and Yohanis Bonay of the NGO ELS-HAM. The suit, which also named four editors at two newspapers as defendants, stemmed from a press conference ELS-HAM held in the wake of the August 2002 ambush near Timika. The lawsuit was ongoing at year's end. Unknown persons repeatedly threatened bodily harm against a number of leading human rights activists in Papua, including Pieter Ell, the head of Kontras' operations in Jayapura.

In Jakarta, approximately 100 members of the paramilitary youth group Pemuda Panca Marga attacked the offices of Kontras on May 26 and 27 after its founder, Munir, criticized the Government's decision to launch a military offensive in Aceh. The PPM members, many of whom are the children of veterans, reportedly destroyed office equipment and injured three Kontras staffers.

Among those injured was coordinator Ori Rachman, who was forced to sing a patriotic song and beaten when he did not know all of the words. Jakarta police failed to answer Kontras' calls for help during the May 26 attack. Police Chief Sukrawardi Dahlan reportedly explained that his officers were all at a meeting at the time and were unable to respond. On May 28, TNI commander General Endriartono Sutarto stated that Kontras should reflect on the attackers' motivation. Police eventually detained two of the attackers, who were charged with "violence against people and property," an offence that could carry a 5-year jail term. On August 29, an explosive device detonated near the front door of Munir's West Java home. No injuries were reported.

The Government made some progress in prosecuting those responsible for the March 2002 attack by hundreds of Betawi Brotherhood Forum (FBR) members against activists of the Urban Poor Consortium (UPC) at the Jakarta office of KOMNAS HAM. In April, the Central Jakarta District Court sentenced six members of the FBR to 6 months in prison, saying they had instigated the attack. The six appealed the verdict to the Jakarta High Court, and the appeal was pending at year's end.

The Government reported no progress in prosecuting the perpetrators of the December 2002 shooting in Papua of several family members of Johannes Bonay, executive director of ELS HAM. At least three of the family members were wounded.

The Government generally viewed outside investigations or foreign criticism of its human rights record as interference in its internal affairs. The security forces and intelligence agencies tended to regard foreign NGOs with suspicion, particularly those operating in conflict areas. Government monitoring of foreigners was apparent in some conflict areas. Some domestic NGOs expressed concern about possible negative consequences of contacting foreigners.

A number of government agencies and affiliated bodies addressed human rights issues, including the Ministry of Justice and Human Rights, the Ministry of Foreign Affairs, the Ministry of Women's Empowerment, and KOMNAS HAM. During the year, KOMNAS HAM's efforts to expose human rights violations and bring perpetrators to account were undermined by a number of court decisions regarding the Commission's jurisdiction or authority. For example, on July 28 a Jakarta court refused to subpoena former and active military officers who had ignored KOMNAS HAM summonses to face questioning over the 1998 riots, which claimed more than 1,200 lives. By law, severe human rights violations that occurred before 2000 could only be investigated by an ad-hoc human rights court, not KOMNAS HAM. Consequently, the Commission described a catch-22 situation: Such a court could only be formed at the suggestion of the DPR, but in order for the DPR to know enough about an incident to approve the formation of a court, a thorough investigation was necessary. The resulting stalemate blocked progress toward accountability. Some activists complained that the division of government responsibilities was unclear.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. In practice, however, the Government failed to defend these rights adequately, and the basic rights of women and children were frequently abused. The Government did little to defend the rights of persons with disabilities. There was some societal discrimination against persons with HIV/AIDS; some such individuals received prejudicial treatment at medical centers, saw their confidential lab results released or had their identity published in a newspaper. In most if not all such cases, the Government failed to take corrective action. However, the Government encouraged tolerance, took steps to prevent new infections and drew up plans to subsidize anti-retroviral drugs.

Women

Violence against women remained poorly documented. Nationwide figures were unavailable, but the Jakarta office of the NGO Legal Aid for Women (LBH-Apik) received reports of 280 cases in the capital during the year. The NGO said 70 of these cases involved physical abuse, 124 psychological, 85 economic, and one sexual. Jakarta's biggest hospital, Cipto Mangunkusumo, treated 112 women for domestic-violence injuries during the year. In West Sumatra, police received 33 reports of violence against women during the first six months of the year. Two types of crisis centers were available for abused women: Government-run centers in hospitals and NGO centers operated in the community. During the year, the Women's, Health, and Social Welfare ministries signed a memorandum of understanding with the National Police on the establishment of integrated crisis centers at certain police hospitals.

Rape was a problem. It is punishable by 4 to 12 years in jail, and the Government jailed perpetrators for rape and attempted rape. Reliable nationwide statistics were unavailable, but Jakarta police reportedly tallied 134 rape cases in the capital during the year, marking a 25 percent increase from 107 in 2002. During the year, Cipto Mangunkusumo treated 91 women and 127 girls for rape and 132 girls for sexual assault. Women's rights activists speculated that these figures were artificially low because of the social stigma associated with rape. The law requires penile penetration to constitute rape. On several occasions in 2002 in Aceh, soldiers were not held accountable for violating women with bottles and other foreign objects. However, during the year, the Department of Justice and Human Rights completed a draft Criminal Code Bill that contained a provision expanding the definition of rape to cover the insertion of foreign objects into a woman's vagina or anus. The bill had not passed by year's end.

In Jakarta, eight men gang-raped a 16-year-old girl shortly after she arrived from her village in Central Java. On August 29, police arrested seven of the suspects; an eighth suspect evaded arrest and remained at large at year's end. After arriving in the capital, the girl was reportedly promised a job by one of the men. He then reportedly took her to the house, where she was gang-raped over a 2-day period before being taken to a pub, where she was instructed to wait on tables. The girl eventually managed to contact police. On September 17, a 15-year-old girl became one of thousands of persons to be brutally evicted from

state-owned land in Cengkareng, West Jakarta. Later that day, she was found in a state of shock at a train station; evidence suggested that she had been sexually attacked by public order officials.

Rapes committed by members of the security forces were most numerous in Aceh, the scene of a major military operation against GAM rebels. Human rights activists expressed concern that rapes were being underreported in the province, partly because of press restrictions. The NGO consortium Sahabat Aceh reported that up to 100 rapes were committed in Aceh from May to September, but that only 21 cases of rape or sexual harassment had been reported to the authorities. The TNI prosecuted a few rape suspects. On July 19, a military court in Banda Aceh convicted three low-ranking soldiers and sentenced them to between 2½ and 3½ years in prison. The three soldiers, who were also discharged from the army, raped four women in the village of Alue Lhok between June 20 and 22. In each case, the soldier allegedly threatened to kill the victim if she spoke out.

Although it was unclear that GAM rebels committed rape during the year, there were numerous reports in previous years that GAM members committed rape.

During the year, many police stations set up a "special crisis room" (RPK), where female officers received criminal reports from sexual assault victims.

Sexual harassment was not a crime, but "indecent behavior" was illegal. The law only addresses physical abuse and requires two witnesses.

The Guidelines of State Policy, legal statutes adopted by the MPR, explicitly state that women have the same rights, obligations, and opportunities as men. However, the guidelines also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law designates the man as the head of the family. Women in many regions of the country, particularly in Papua, complained that they were frequently treated as second-class citizens.

The legal differentiation between a woman and a girl was not clear. The Marriage Law sets the minimum marriageable age at 16 for a woman (and 19 for a man), but the Child Protection Law states that those below 18 are children.

Female genital mutilation (FGM), also known as female circumcision, was practiced in some parts of the country, particularly in West Java and Madura Island. Although no new data were available, data from a 2002 study in areas where FGM was prevalent indicated that pain, suffering, and complications were minimal. Two types of persons performed the procedure: midwives and local traditional practitioners. Researchers said the midwives' procedure involved the tearing, cutting or piercing of part of the genitals, but not the removal of tissue. Most of the local traditional practitioners, on the other hand, stated that they customarily removed tissue, but the extent of this removal remained unclear. Likewise, it was unclear whether the removed tissue was from the clitoris, labia minora, or elsewhere. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic.

Trafficking in women and young girls was a serious problem (see Section 6.f.). During the year, there were reports that in some areas of the country, parents encouraged or sold their daughters to work as prostitutes in large urban areas.

Divorce was a legal option open to both men and women. Muslims who sought divorce generally had to turn to the Islam-based family court system. Non-Muslims obtained divorces through the national court system. Women often faced a heavier evidentiary burden than men, especially in the family court system. Many divorcees received no alimony, as there was no system to enforce alimony payments. Rights activists criticized the Marriage Law, saying it requires a woman who has just gotten divorced to wait a certain period of time before remarrying, while a man can enter into marriage immediately.

The Citizenship Law states that a child's citizenship is derived solely from the father. Children of citizen mothers and foreign fathers are considered foreigners, and require visas to remain in the country until 18, at which age they can apply for citizenship. These children are prohibited from attending public schools, and many were forced to attend private international schools. In cases in which a citizen mother lived abroad with her foreign husband, divorces sometimes caused severe child custody problems. The children of foreign women married to Indonesian men also faced difficulties. A foreign woman married to a citizen can obtain Indonesian citizenship after 1 year, if desired.

On March 3, the Government began to implement Shari'a (Islamic law) in Aceh (see Section 2.c.). There did not appear to be a significant impact on women's rights by year's end.

In Papua, as part of the province's Special Autonomy status, 30 percent of seats in the proposed Papuan People's Council (MRP) were slated for women; however, at year's end, the Government had not yet issued regulations for the MRP's formation. Also during the year, the Papuan women's NGO Yayasan Humi Inane complained that the Government had done nothing to improve the plight of Papuan women, who lagged far behind many other women in the country by most measures of health, education, and development. The NGO added that traditional, sexist Papuan attitudes exacerbated the problem.

Women faced considerable discrimination in the workplace, both in terms of obtaining positions and in gaining fair

compensation for labor performed. During the year, the International Labor Organization's (ILO) Jakarta office reported that on average, women in the workforce earned 68 percent of that of male workers. In 2002, the Government stated that 38 percent of civil servants were women, but that only 14 percent of these women held positions of authority.

Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. According to the Government's Central Statistics Bureau, in May 2002, the unemployment rate for men was higher than that for women. If a husband and wife both work for a government agency, the couple's head-of-household allowance is given to the husband. There were reports that female university graduates received an average salary that was 25 percent less than their male counterparts.

Contraceptive use was largely the responsibility of women.

A number of organizations promoted women's rights or otherwise addressed women's issues during the year, including Solidaritas Perempuan, Mitra Perempuan, LBH-Apik, and the International Catholic Migration Commission (ICMC).

Children

The Government stated its commitment to children's rights, education, and welfare, but devoted insufficient resources to fulfill that commitment. In practice, most schools were not free of charge, and poverty put an education out of reach of many children. Child labor and sexual abuse were serious problems during the year (see Sections 6.d. and 6.f.). Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school. In January, the leader of the National Commission for Child Protection (KOMNAS PA) identified the most pressing issues related to the country's youth as: Child labor, child trafficking, child prostitution, street children, children in conflict areas, and undernourished children. The National Child Protection Act addresses economic and sexual exploitation of children, as well as adoption, guardianship, and other issues; however, some provincial governments did not enforce its provisions.

Children suffered casualties in areas of armed conflict. For example, on July 24 in Aceh, a grenade buried in a sandbox exploded, killing two sisters and seriously injuring their brother. The TNI alleged that GAM rebels had planted the grenade. Many children in Aceh reportedly have died as a result of explosives concealed by both sides in sandboxes and paddy fields. On May 21, 2 boys were among 10 males shot and killed by the security forces in the Bireuen village of Cot Rebo. The TNI claimed that the victims were all rebels; however, the Government conceded that it had not found any weapons. Residents said the victims were guarding the village's shrimp ponds.

Reported cases of violence against children increased in East Java during the year. Government authorities there recorded a total of 193 such cases, most involving sexual violence, in the first 6 months of the year, compared with 258 cases for all of 2002. In West Java and Jakarta, a child-kidnapping ring terrorized families and entire communities. The gang kidnapped as many as 10 children for ransom and killed at least 2 of them: A 2-year-old girl, who was raped before being killed, and a 9-year-old girl, who was killed in spite of the payment of a ransom by her father. In September, police investigating the crimes arrested a suspect and members of his family. The key suspect confessed and at year's end remained in police custody, charged with kidnapping, murder, and vehicle license fraud.

By law, children are required to attend 6 years of elementary school and 3 years of junior high school; however, in practice, the Government did not enforce these requirements. According to 2002 UNICEF data, 96 percent of children aged 7 to 12 were enrolled in school; among children aged 13 to 15, 79 percent were enrolled in school; and among children aged 16 to 18, 49 percent were enrolled in school.

Monthly fees for public schools varied from province to province and were based on average incomes. During the year, some parents found it more difficult to afford the \$1.30 to \$5.30 monthly fee that most public elementary schools charged, in addition to the costs of uniforms and school materials. It was unclear how many children were forced to leave school to help support their families. On August 22, in an incident that drew widespread attention, a 12-year-old boy in the West Java regency of Garut was in a coma after attempting suicide because his parents could not afford to pay the 30 cents demanded by his teacher for school equipment. In some areas of the country, parents and watchdog groups complained that corruption among public servants severely undermined the quality of education. Parents of students at Senior High School 21 in East Jakarta accused school officials of misappropriating school funds, and a member of Indonesian Corruption Watch (ICW) who studied the case reported that only 15 percent of the funding received had been spent on educational activities. ICW reported that some principals in East Java, West Java, and North Sumatra bribed Education Ministry officials to secure special funding for their schools.

Conflicts or the lingering effects of conflicts disrupted the education of many children during the year.

For example, in Aceh province, more than 603 school buildings were burned in the months after the May start of the military operation against GAM rebels. KontraS said 361 of these schoolhouses were elementary schools. According to the deputy chief of the provincial education department, at least 56 teachers had been killed and more than 100 injured following the start of the operation. On August 25, a provincial education official said Aceh faced a shortage of 20,000 teachers. Thousands of children studied at makeshift schools, at mosques, and inside tents.

Many children grew up in poor health conditions. Malnutrition remained a serious problem. For example, Central Java health authorities announced that in the first 6 months of the year, 44,633 babies were found to be suffering from malnutrition, representing 1 out of every 6 babies in the province. The country's infant mortality rate remained high. According to UNICEF, there were 50 deaths for every 1,000 births during the year. Some health experts attributed the problem to poor service at public health centers.

The number of street children across the country was unknown. KOMNAS PA estimated 40,000 to 50,000 nationwide, but a study carried out in December 2002 by Family Health International (FHI) estimated the number at nearly 71,000, and there was no significant improvement in the situation during the year. Substantial street-child populations were apparent in Jakarta, East Java, West Java, North Sumatra, and South Sulawesi provinces. Surabaya, East Java, was home to approximately 8,000 street children, many reportedly susceptible to sexual abuse and violence. Around 40 shelters in the province provided services to such children. In August, the Jakarta provincial government announced that it would establish a large dormitory for street children capable of housing between 600 and 1,000 children. The city government also agreed to pay the children's schooling and provide a stipend of approximately \$58 to the children's parents to help them set up home businesses. The shelter had not yet been opened by year's end.

Commercial sexual exploitation of children continued to be a serious problem. The number of child prostitutes in the country was unclear; however, an ILO assessment estimated that there were approximately 21,000 child prostitutes on the island of Java. On October 7, a team of NGO and health officials visited a prostitution complex in Riau province and estimated that 30 to 40 percent of the 365 female sex workers there were less than 18 years of age. Although some teenage girls entered the sex trade knowingly, many were forced. At times, law enforcement officials treated child sex workers as perpetrators of crime, rather than victims. Women's rights activists and religious groups accused government officials, including police and soldiers, of operating or protecting brothels that employed underage prostitutes. During the year, corrupt civil servants issued identity cards to underage girls, facilitating entry into the sex trade. According to the Surabaya Social Department, of the 7,800 sex workers in that city and its environs, 30 percent were under the age of 18. Attention was drawn to the case of a 13-year-old female sex worker who told journalists she had decided to become a prostitute because of her family's economic problems. There also were reports of sexual exploitation of boys. During the year, Jakarta's biggest hospital treated 18 boys for sexual assault. NGOs also reported long-active pedophile rings operating in Bali.

During the year, there were cases in which parents accepted advances of future salaries from employment brokers in exchange for their daughters. The child was required to repay the employment brokers at a later stage. Researchers described a "culture of prostitution" in some parts of the country, where parents encouraged their daughters to work as big-city prostitutes and send the proceeds home.

NGO observers said many girls were forced into prostitution after the failure of marriages they had entered into when they were as young as 10 to 14 years of age. There was no obvious violation of the law because their paperwork identified them as adults due to the fact they were once married.

Child abuse is not prohibited specifically by law; however, there were no reliable sources on violence within families. Governmental efforts to combat child abuse have generally been slow and ineffective. NGOs reported that it continued to take excessively long to bring a child rape case to court and that the reporting and handling mechanisms for child abuse cases were vague.

Child labor was a problem. In January, the ILO reported that 8 million children under 18 were doing the work of adults (see Section 6.d.).

Trafficking of children was a problem (see Section 6.f.). After an Indonesian man was reportedly caught selling two babies in Malaysia, police in Riau province launched an investigation and eventually arrested at least six suspects. One of the suspects was a doctor connected to a women's clinic on the Riau island of Karimun, whose name appeared on a number of medical certificates that accompanied infants who later turned up in Malaysia. The documents certified that the babies were free of HIV/AIDS.

There is no separate criminal justice system for juveniles and ordinary courts adjudicated such cases. KOMNAS PA reported that more courts were starting to involve social workers in children's trials, to safeguard their rights, but that financial constraints kept social workers from being available at all such trials. At year's end, the Government still had not implemented a 1997 Juvenile Justice Law, which calls for a special juvenile court system.

A number of NGOs promoted children's rights, including Child Advocacy Network (JARAK), National Commission on Child Protection (KOMNAS ANAK), Center for Study and Child Protection (PKPA), and Foundation for Indonesian Child Welfare (YKAI).

Persons with Disabilities

The law mandates access to buildings for persons with disabilities; however, the Government did not enforce these provisions. The Disability Law requires companies that employ over 100 workers to set aside 1 percent of their positions for persons with disabilities. However, the Government did not enforce the law, and persons with disabilities faced considerable discrimination.

The law also mandates accessibility to public facilities for persons with disabilities; however, extremely few buildings and virtually no public transportation facilities provided such accessibility. Recent statistics on the disabled population were not available. In 1999 the U.N. estimated the percentage of persons with disabilities at 5.43 percent of the population, or approximately 12 million persons; the Government put the number at 3 percent, or roughly 7 million persons. The Government classified persons with disabilities into four categories: The blind, deaf, mentally disabled, and physically disabled. The Constitution requires the Government to provide them with care; however, "care" was not defined, and the provision of education to disabled children was never inferred from the requirement.

In urban areas, only a few city buses offered wheelchair access, and many of those have had their hydraulic lifts vandalized, rendering them unusable. In other cases, the space reserved for wheelchairs was occupied by other passengers because the bus conductors could earn more money.

On August 28, an executive of the Indonesian Association of the Disabled (PPCI) met with Vice President Hamzah Haz and complained that many companies were violating the Disability Law. The penalty for a violation is a maximum fine of \$23,500, but PPCI alleged that the law was not being enforced. The Vice President reportedly agreed with PPCI; however, no official action was taken by year's end.

During the year, the Government said the country was home to 1.3 million children with disabilities, but that only 50,000 of them attended school. The true number of disabled children was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged that many parents chose to keep their children with disabilities at home; however, many schools refused to accommodate such children, stating the schools lacked the resources to do so. According to the Government, there were 700 schools dedicated to educating children with disabilities; all but 41 of them were run privately. Some young persons with disabilities resorted to begging for a living.

Indigenous People

The Government views all citizens as "indigenous," with the exception of ethnic Chinese; however, it recognizes the existence of several "isolated communities" and their right to participate fully in political and social life. These communities include such groups as the myriad Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. Indigenous people remained subject to widespread discrimination during the year, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and logistical problems to indigenous communities. The Government failed to stop domestic and multinational companies from encroaching on indigenous people's land, often in collusion with the local military and police.

In Sumatra, where there were many lowland tropical forests, corporate interests continued to take over lands traditionally claimed by indigenous communities, who relied on them for rice farming and rubber tapping. HRW and other NGOs reported that the creation of huge plantations to serve the paper and pulp industry threatened the livelihoods of many indigenous people. Some indigenous people unsuccessfully filed land claims with the authorities. In the Sumatran subdistrict of Porsea, local people and environmental groups, including WALHI, condemned the Government's decision to reopen a pulp company, PT Toba Pulp Lestari (formerly PT Indorayon), which was closed in 2002. The company's pulp mills were blamed for far-reaching environmental degradation, and at least 5 persons involved in the dispute had been killed in recent years. In February, KOMNAS HAM noted that both sides in the dispute had committed significant human rights violations.

In Central Sulawesi's Kambuno mountains, indigenous persons continued to protest plans by an Anglo-Australian mining company to open a gold mine on land traditionally inhabited by the Poboya people. The Governor and several NGOs also expressed opposition to the plan because the Kambuno area is designated as a protected forest. According to the journalist watchdog group AJI, the company encouraged the DPR to change the status of the site from a protected forest to a productive forest. Several mining companies complained that a 1999 law that changed the status of a number of producing forest areas did not respect existing contracts and requested that the Government honor the terms of those pre-existing contracts.

In Southeast Sulawesi, the Moronene people continued their struggle for government recognition of their claim to ancestral land in what is now the Rawa Aopa Watumohai National Park. During the year, no clashes with police were reported and police released 11 residents of the villages of Hukaea and Laea who were detained in May 2002. In addition, police did not take any immediate action against some 100 families who had occupied the land.

In Papua, the Government failed to fully implement the Special Autonomy Law, which took effect in January 2002. Meanwhile, tensions continued between indigenous Papuans and migrants from other provinces, between residents of coastal and inland communities, among tribes, and increasingly, between supporters and opponents of the creation of new Papuan provinces (see Section 3). Some in the indigenous community accused the newcomers of price gouging and condescension, while some newcomers claimed that indigenous Papuans treated them with resentment and suspicion. During the year, many indigenous Papuans expressed alarm over the continuing influx of migrants and speculated that they were part of a Government attempt to subjugate indigenous Papuans.

In Central Kalimantan, relations between indigenous Dayaks and ethnic Madurese transmigrants remained poor in the wake of inter-ethnic violence in 2001. However, at least 13,000 displaced ethnic Madurese returned to the province between March and December (see Section 2.d.). Relations between the two groups remained poor also in West Kalimantan, where former residents of Madurese descent were obstructed in their attempts to reclaim their property.

Human rights activists stated that the government-sponsored transmigration program violated the rights of indigenous people, bred social resentment, and encouraged the exploitation and degradation of natural resources on which many indigenous persons relied. In some areas, such as parts of Sulawesi, the Maluku, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people were hostile. Some indigenous groups claimed that they received less government support than transmigrants, and some transmigrants claimed that in some cases they were moved to areas with undesirable land, or where the land's ownership was in dispute.

National/Racial/Ethnic Minorities

The Government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the population, by far the largest non-indigenous minority group, and played a major role in the economy. Although the year started well for Chinese citizens, who on February 1 celebrated the Lunar New Year as a national public holiday for the first time, there were many instances of discrimination and harassment during the year. To obtain a passport, business license, or credit card, or to enroll a child in school, Chinese citizens had to first show a Republic of Indonesia Citizenship Certificate (SBKRI), a document not required of non-Chinese citizens. This requirement provided an extortion opportunity for the many bureaucratic institutions involved in the issuance process. An attorney advocate for the rights of ethnic Chinese stated that more than 60 articles of law, regulation or decree were in effect that discriminated against Chinese citizens. NGOs such as the Indonesia Anti-Discrimination Movement (GANDI) called on the Government to revoke these articles.

In May, a police chief in West Jakarta drew attention for allegedly blackmailing traders of traditional Chinese medicines. The police chief denied the accusations, but DPR member Haryanto Taslam stated that he had copies of receipts that appeared to implicate the police chief and in June, passed the evidence to the chief of the National Police. The West Jakarta police chief was subsequently replaced. On September 2, around 50 Chinese-Indonesian families in the West Java city of Tangerang protested in front of the Tangerang Council building over the alleged sale of land traditionally used as a Chinese cemetery. The families complained that the sale of the land for a commercial development prevented them from being able to bury their dead beside loved ones. City councilors agreed to review the case. During the year in Garut, East Java, a Chinese community organization, Paguyuban Marga Tionghoa (PMT), helped resolve a debt-collection dispute dating from July 2002. Regency officials had informed the Chinese community that it would have to cover unpaid debts of an ethnic Chinese businessman. However, during the year it was decided that the debtor, not the community, would be held accountable for the debts. However, no legal action was taken against the regency officials.

During the year, some Chinese citizens complained that the Government had not done enough to prosecute those responsible for the 1998 violence against them and their businesses.

In Papua, TNI authorities estimated the number of armed OPM rebels at more than 1,600. A prominent Papuan, Willy Mandowen, accused the Government of exaggerating this number to justify the deployment of large numbers of troops in the province. The NGO Institute for Human Rights Study and Advocacy (ELS-HAM) reported that rebel units were armed mainly with traditional bows, arrows, and spears. Indigenous Papuans complained that they were underrepresented in the civil service of that province; however, due largely to the partial implementation of the Special Autonomy Law and the creation of 14 new regencies in Papua, there was a large increase in the number of government positions for ethnic Papuans. However, many Papuans were disappointed with the performance of ethnic Papuan officials, alleging they were as corrupt as the non-ethnic Papuans.

After the Government declared martial law in Aceh province, a number of ethnic Acehnese outside the province complained of discriminatory treatment by local authorities. In late May, Jakarta Governor Sutiyoso warned Jakarta citizens to be on alert against "Acehnese terrorists" infiltrating the capital. He ordered local neighborhood leaders to register and report any unknown persons or new arrivals of Acehnese descent. Many Acehnese, even long-time Jakarta residents, reported increased tensions with neighbors and occasional taunts. In late May, youth gangs ransacked a mosque that was frequented by Acehnese; several Acehnese suffered injuries. Acehnese in Semarang and Padang also reported official harassment by local authorities based on their ethnicity; however, by August, the situation appeared to return to normal and most Acehnese reported no further problems.

Section 6 Worker Rights

a. The Right of Association

The Labor Union Act provides broad rights of association for workers, and workers exercised those rights. The law stipulates that 10 or more workers have the right to form a union. Union membership must be open to all workers, regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect representatives. The Government records, rather than approves, the formation of the union and provides it with a registration number. In addition, the law provides that union dues must finance union activities, but does not indicate how dues should be collected or whether management has a role in collecting dues. A regulation that requires that police be notified of all meetings of five or more persons of all organizations outside offices or normal work sites applies to union meetings. The police periodically showed up uninvited at labor seminars and union meetings, which often had an intimidating effect. Under the law and registration regulations, 75 union federations notified the Ministry of Manpower and Transmigration of their existence. In addition, thousands of workplace-level units registered with the Ministry.

On February 25, the DPR passed the Manpower Development and Protection Act, following months of intensive consultations with unions and employers, both of whom rejected a July 2002 draft. The Act regulates collective bargaining, the right to strike, and general employment conditions. The Act does not apply to state-owned enterprises (SOE). The International Labor Organization (ILO) provided technical assistance in the development of the law, which generally met ILO standards. Some unions remained opposed claiming the law contained inadequate severance benefits, insufficient protection against arbitrary terminations, and legalization of child labor under some conditions. At year's end, the Government had issued some, but not all, of the required implementing regulations for the Manpower Act.

Government regulations prohibited employers from discriminating against or harassing employees because of union membership; however, there were frequent, credible reports of employer retribution against union organizers, including dismissals and violence, which were not prevented effectively or remedied in practice. Some employers warned employees against contact with union organizers. Some unions claimed that strike leaders were singled out for layoffs when companies downsized. On January 17, police in Tangerang arrested Munawir bin Muhammed Sidik, a garment worker and union activist, for carrying a knife in the factory, P.T. Kharisma Kulit Indah, where he was employed. The Solidarity Center reported that during the days prior to his arrest, company-employed thugs assaulted Munawir in an effort to intimidate and fire him because of his union activism. On the day of his arrest, thugs again attacked Munawir and left him unconscious. Prosecutors charged Munawir with carrying a restricted weapon. On June 3, the court convicted him and sentenced him to 5 months in jail.

The country has three main trade union confederations. The Confederation of All Indonesian Trade Unions (KSPSI), formed by the government-directed merger of labor organizations in 1973, is the oldest trade union organization and remained the largest confederation. The leader of KSPSI concurrently served as Manpower Minister. Some employers and unions questioned whether the dual role created a conflict of interest in adjudicating disputes between unions or between companies and workers. The Indonesian Prosperity Trade Union (SBSI), established in 1992 and legally recognized in 1998, was often cited as the second largest confederation. In February, 12 national unions formed a new confederation, the Committee of Trade Unions of Indonesia (KSPI). KSPSI, SBSI, and KSPI together represented over 90 percent of all union members, according to the Solidarity Center.

There were credible claims of government interference in SBSI's Fourth Congress, held from April 27 to May 1. An opposition group within SBSI reportedly admitted that it received over \$22,000 from the Manpower Ministry to oppose SBSI leaders and carry out disruptive activities. The resulting serious disputes within the Congress led to SBSI's ejection of 32 delegates. Some SBSI leaders attributed the interference to the Government's opposition to a new political party, the Social Democratic Labor Party, led by SBSI's former chairman.

The national social security agency, JAMSOSTEK, subsidized the operations of KSPSI and, to a lesser extent, SBSI and some other unions. Some trade union activists stated that such subsidies undermine trade union independence.

The law allows the Government to petition the courts to dissolve a union if its basis conflicts with the state ideology of Pancasila or the Constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the State and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years. There were no reports of the Government dissolving any unions during the year.

The law does not address the adjudication of jurisdictional disputes among multiple unions in a workplace, and existing laws and regulations do not provide clear guidance on how jurisdictional disputes should be handled. Such ambiguity occasionally led to clashes between unions.

The law recognizes civil servants' freedom of association and right to organize. In 2002, employees of several ministries announced that they would form their own employee associations, and union organizations began to seek members. Unions also sought to organize SOE employees, although they encountered some resistance from enterprise management, and the legal basis for registering unions in SOEs remained unclear.

The law stipulates that unions may affiliate and cooperate with international trade unions and organizations. The KSPSI maintained international contacts and was an affiliate of the Association of Southeast Asian Nations Trade Union Council. SBSI was affiliated with the World Confederation of Labor and some international trade union secretariats. The newly formed KSPI established relations with the International Confederation of Free Trade Unions' Asia and Pacific Regional Organization (ICFTU/APRO). Other unions maintained contacts and affiliations with international labor federations.

b. The Right to Organize and Bargain Collectively

The law, including the new Manpower Act, provides for collective bargaining, and the Manpower Ministry promoted it within the context of Pancasila. The law allows for workers' organizations that register with the Government to conclude legally binding collective labor agreements (CLAs) with employers and exercise other trade union functions. In companies without unions, the Government discouraged workers from utilizing nongovernmental outside assistance, such as during consultations with employers over company regulations. Instead, the Manpower Ministry preferred that workers seek its assistance and stated that its role was to protect workers. However, there were credible reports that for many domestic and foreign-owned companies, ministry consultations with workers were perfunctory at best and usually only occurred with management-selected workers.

According to the Manpower Ministry, as of October, there were 9,097 CLAs in effect between unions and private companies. According to this data, 25 percent of companies with over 10 employees had collective labor agreements. Company regulations, allowed for under government regulations, substituted for CLAs in another 36,170 companies, many of which did not have union representation. In addition, there were 59 labor agreements in effect between unions and state enterprises, and another 65 agreements between non-unionized workers and state enterprises. The new Manpower Act requires that employers and workers form bipartite bodies (joint employer/worker committees), but the Manpower Ministry did not complete implementing regulations and the number of bipartite bodies did not increase significantly.

The new Manpower Act stipulates that if CLA negotiations are deadlocked, the Institution for Industrial Relations Dispute Settlement should settle the matter. According to regulations, agreements are for 2 years and can be extended for 1 year. According to NGOs involved in labor issues, the provision of collective bargaining agreements in practice often did not go beyond the legal minimum standards established by the Government, and employers often presented the agreements to worker representatives for signature rather than negotiation.

All workers, whether or not they are union members, have the legal right to strike, except for public sector workers and those involved in public safety activities. The law allows workers in these categories to carry out strikes only if such actions would not disrupt public interests or endanger public safety. State enterprise employees rarely exercised the right to strike, but private sector strikes were common. Unions or workers' representatives must provide 7 days notice in order carry out a legal strike. The law calls for mediation by local Manpower Ministry officials, but does not require government approval of strikes. In previous years, workers and employers rarely followed dispute settlement procedures in practice and workers rarely gave formal notice of the intent to strike because Manpower Ministry procedures were slow and had little credibility among workers. At year's end, it was unclear whether passage of the Manpower Act would change this situation.

During the year, strikes occurred across a wide range of industries, but declined in frequency. From January to October, the Manpower Ministry recorded 134 strikes involving 56,464 workers, continuing a steady decline since 2000. Observers speculated that depressed economic conditions, fears of job loss, and gradual worker and employer adjustment to the new labor relation's environment contributed to the decline in strikes. The vast majority of Government-recorded strikes involved nonunion workers.

During the year, police and prosecutors in Bandung dropped legal action against and released from custody five labor activists arrested in September 2002 during protests over pending labor legislation.

On March 23, an independent union representing former employees at the Shangri-La Hotel in Jakarta settled a long-standing dispute stemming from a 2000 strike that included violence against workers, detention of workers, and the dismissal of some 580 employees. Worker representatives had brought this case before the ILO, which criticized the Government's response and called for the hotel to reinstate the employees. As part of the settlement, 72 union members, who had not accepted a previous severance package, reportedly received payments equivalent to 4 to 6 years' salary. The hotel also dropped its civil suit against union leaders, and in return, the union dropped its suit seeking reinstatement of the workers.

The Solidarity Center documented cases in which foreign employers in the garment and footwear industry, representing Korean, Japanese, Chinese, and Taiwanese owners, fled the country as the industry contracted in order to avoid making legally required severance payments to workers. One such case involved the garment factory P.T. Elaine, whose Taiwanese managing partners left the country without making wage and severance payments to 300 workers. Subsequently, workers occupied the factory in an attempt to guarantee that proceeds from the sale of equipment would be used to compensate workers.

Labor activists also reported that factory managers in some locations employed persons to intimidate and assault trade union members who attempted to organize legal strike actions. According to detailed trade union accounts, the management of agro-business PT First Mijur Plantation and Industry (PT FMPI) in North Sumatra hired 100 persons to prevent a legal strike action announced by the SBSI union for November 12. SBSI planned the strike to protest unpaid wages and other violations of labor law. On November 11, these persons abducted and severely beat 5 trade union leaders. On November 12, they delivered the union leaders to a local police station, where police began investigating charges against the labor leaders for inciting criminal activity. By November 15, the police released the labor leaders and did not pursue criminal charges. The SBSI leaders dropped their protests and demands against PT FMPI.

Thousands of employees from the state-owned aircraft manufacturer P.T. Dirgantara Indonesia held demonstrations in Bandung and Jakarta from July through October, following the company's announcement of a 6-month shutdown with reduced pay for 6,000 workers. Union leaders, supported by the Manpower Ministry, argued that the shutdown violated legal requirements for bipartite consultations with workers.

Since 1996, unions affiliated with the KSPSI could collect union dues directly through payroll deductions (the "check-off" system), rather than having the Manpower Ministry collect dues and transfer them to the KSPSI. Implementation of this system remained uneven. Unions other than the KSPSI alleged difficulties in having companies set up a check-off system for their members.

The police and military continued to intervene in labor matters, usually to protect employers' interests, although a shift away from open intervention and demonstrations of force by uniformed troops to less visible measures continued. In June, four police detectives in Surabaya allegedly abducted and beat three workers from the PT Maspion Company in an attempt to force them to

confess to stealing company merchandise. The East Java police arrested the detectives following complaints from the workers. However, the police accepted an ILO worker rights training program initiated during this period.

Regional and national labor dispute resolution committees adjudicated charges of anti-union discrimination, and their decisions could be appealed to the State Administrative Court. However, due to a history of adverse decisions for labor and the long time necessary to process disputes, sometimes requiring years, many unions believed that these committees were not realistic alternatives for settling disputes. As a result, workers frequently presented their grievances directly to KOMNASHAM, the DPR, or NGOs. Administrative decisions in favor of dismissed workers usually took the form of monetary awards, but rarely reinstated workers. The law required that employers obtain the approval of the labor dispute resolution committee before firing workers, but employers often ignored the law in practice. On December 16, the DPR enacted the Labor Disputes Act, which mandates the establishment of substantially new dispute settlement procedures, including a system of labor courts. The ILO assisted the Government in the development of the Act.

There are seven bonded, or export processing zones (EPZs), in the country. The labor laws apply in EPZs, although nongovernmental observers believed there was stronger anti-union sentiment in EPZs. Working conditions in Batam's modern export electronics sector appeared better than the national average. In recent years, unions had increased success in organizing plants and negotiating with companies in the Batam EPZ. The Indonesian Metalworkers' Union (SPMI) succeeded in establishing a regional office and organizing some 7,000 workers in Batam during this period. However, trade unions in Batam raised concerns over insufficient wages, excessive overtime, and employer opposition to organizing efforts, including reprisals against workers who attempted to form unions.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced labor, and the Government generally enforced this prohibition. The law and regulations prohibit bonded labor by children. However, the Government was not effective in eliminating forced child labor, which remained a serious problem (see Section 6.d.).

According to the NGO KOPBUMI, approximately 3 million citizens worked overseas, mainly in the Middle East and Malaysia. There were many incidents in which these migrant workers, most of whom occupied low skilled positions, received insufficient protection from the Government and host governments. The Government, through its diplomatic posts, established shelters in a few overseas locations, and the Government also funded the repatriation of several hundred workers who fled employers in the Middle East and Malaysia. The unscrupulous practices of migrant worker recruiting agencies, or Perusahaan Jasa Tenaga Kerja Indonesia (PJTKI), and poor government regulation, led to abuses of workers, including situations of debt bondage. According to press reports and research by the Solidarity Center, recruiting agencies frequently held migrant workers in holding centers for months at a time before sending them abroad. During their stay at holding centers, migrant workers normally did not receive pay and recruiters often did not allow them to leave the centers. In most instances, workers were forced to pay recruiters for the cost of their forced stay, resulting in large debts to the recruiters.

During the year, the Manpower Ministry revoked the licenses of 17 labor export companies for violating procedures in the placement of workers overseas including some that contributed to the abuse of migrant workers.

A Home Affairs Ministry decree requires that migrant workers sign an agreement not to disclose difficulties encountered abroad, and, in practice, the Government restricted the ability of migrant workers to speak about abuses they faced overseas.

Forced labor and debt bondage also was an issue in the informal sector. Private employers, within the country and abroad, at times forced household help to work without pay, for extremely low wages, or in situations of debt bondage. NGOs and the press reported cases of employers locking domestic workers within homes and physically and sexually abusing them.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits children from working in hazardous sectors and the worst forms of child labor, to include mining, skin diving, construction, prostitution, and offshore fishing platforms; however, the Government did not enforce these laws effectively. Law, regulations and practice acknowledged that some children must work to supplement family incomes. The new Manpower Act prohibits the employment of children, defined as persons under 18, with the exception of those 13 to 15 years of age who may work no more than 3 hours per day and only under a number of other conditions, such as parental consent, avoidance of work during school hours, and payment of legal wages. The law does not appear to address exceptions for children ages 16 to 17.

The National Child Protection Act addresses economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade. The law provides severe criminal penalties and jail terms for persons who violate children's rights (see Section 5).

Child labor remained a serious problem in the country. An estimated 6 to 8 million children exceeded the legal 3-hour daily work limit, working in agriculture, street vending, mining, construction, prostitution, and other areas. More children worked in the informal, rather than the formal, sector. Some children worked in large factories, but their numbers were unknown, largely because documents verifying age could be falsified easily. Some employers hired children because they were easier than adults to manage and less likely to organize or make demands on employers. Children working in factories usually worked the same

number of hours as adults. Children worked in industries, such as, rattan and wood furniture, garment, footwear, food processing, toy making, and in small-scale mining operations.

Many girls aged between 14 and 16 worked as live-in domestic servants. The ILO informally estimated that 700,000 children worked as servants, an estimate lower than reported in previous years by the National Committee for Child Protection. Many child servants were not allowed to study and were forced to work long hours, received low pay, and generally were unaware of their rights.

The law and regulations prohibit bonded labor by children; however, the Government was not effective in eliminating forced child labor, which remained a serious problem. A significant number of children worked against their will in prostitution, pornography, begging, drug trafficking, domestic servitude, and other exploitative situations, including a small number on fishing platforms. Two international NGOs estimated that there were 39,000 to 72,000 child prostitutes. A rapid assessment by the ILO produced a rough estimate of 21,000 child prostitutes on Java (home to 60 percent of the country's population). An ILO study indicated that, in cases of child prostitution in West Java, parents and other family members commonly were complicit in forcing children into prostitution. The NGO Bandungwangi reported that most child prostitutes in an area of East Jakarta originated from West Java and had been sold into prostitution by their parents.

Enforcement of child labor laws remained largely ineffective during the year. Despite legislative and regulatory measures, most children who worked, including as domestics, did so in unregulated environments. Anecdotal evidence suggested that local labor officials carried out few child labor investigations. In an effort to address this, the ILO sponsored training of labor inspectors on child labor matters under the International Program on the Elimination of Child Labor (IPEC). The Solidarity Center also trained labor inspectors in the areas of child labor and trafficking. There were limited social programs to prevent exploitative child labor, usually conducted with international assistance.

The ILO carried out limited, rapid assessments of some of the worst forms of child labor. The assessments increased understanding of the extent of the worst forms of child labor. In May, the ILO conducted an extensive field study of the isolated, hazardous fishing platforms off the coast of North Sumatra and found only 10 child workers, a significant decline from previous years. The ILO, NGOs, and the Government took steps over a number of years that helped reduce the incidence of children working on fishing platforms. A related ILO study indicated that children working on fishing vessels was a greater problem.

e. Acceptable Conditions of Work

Following the Government's implementation of wide-ranging decentralization in 2001, provincial and district authorities, not the central Government, established minimum wages, which vary by province, district, and sector. Provincial authorities determined provincial minimum wage levels based on proposals by tripartite (workers, employers, and government) provincial wage commissions. The provincial minimum wage rates establish a floor for minimum wages within the province. Local districts set district minimum wages, using the provincial levels as references. Districts also set minimum wages in some industrial sectors on an ad hoc basis. Provinces and districts conducted annual minimum wage rate negotiations, which often produced controversy and protests.

Nominal minimum wages rose significantly over the past several years, and on average increased 28 percent from 2001 to 2002. From 2002 to 2003, minimum wages increased more modestly in major industrial areas such as Jakarta (6.8 percent increase) and Batam (3.7 percent increase). Minimum wages (excluding industry specific wages) ranged from \$76 (631,554 rupiah) in Jakarta to only \$33 (274,000 rupiah) in the Trenggalek district in East Java. The minimum wage levels set by most local governments did not provide a worker and family with a decent standard of living. In many areas, legal minimum wages fell below the Government's own calculation of basic minimum needs.

Government enforcement of minimum wage regulations remained inadequate, particularly at smaller companies and in the informal sector. In practice, official minimum wage levels applied only in the formal sector, which accounted for just 35 percent of the workforce.

Labor law and ministerial regulations provide workers with a variety of benefits. Persons who worked at more modern facilities often received health benefits, meal privileges, and transportation. The law also requires employers to register workers with and pay contributions to the state-owned insurance agency JAMSOSTEK.

In January, workers and union officials complained that state-owned palm oil plantations in North Sumatra had not paid official minimum wages for tens of thousands of laborers and also failed to register these workers with JAMSOSTEK as legally mandated. A company representative reportedly told the press that the company was financially unable to comply with these measures. Separately, Manpower Ministry officials pointed out that minimum wage laws, like the new Manpower Act itself, did not apply to SOEs.

The law establishes a 40-hour workweek, with one 30-minute rest period for every 4 hours of work. The law also requires at least 1 day of rest weekly. The daily overtime rate was 1½ times the normal hourly rate for the first hour and double the hourly rate for additional overtime, with a maximum of 3 hours of overtime per day and no more than 14 hours in a week. Workers in industries that produced retail goods for export frequently worked overtime to meet contract quotas. Unions complained that companies relied upon excessive overtime in some electronics assembly plants, to the detriment of workers' health and safety.

Observance of laws regulating benefits and labor standards varied between sectors and regions. Employer violations of legal requirements were fairly common and often resulted in strikes and employee protests. The Manpower Ministry continued to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards were weak.

Both law and regulations provide for minimum standards of industrial health and safety; however, in practice the country's worker safety record was poor. As revealed in press reports, JAMSOSTEK recorded 104,774 work-related accidents in 2001, 103,804 in 2002, and 51,528 in the first seven months of this reporting period. The ILO cited a National Health and Safety Council report that concluded only 80 of the country's 16,000 local companies had complied with safety regulations and received zero accident certificates. The Council stated in 2002 that it did not have enough personnel to cover all enterprises and urged companies to be self-compliant.

In the country's larger registered companies, the quality of occupational health and safety programs varied greatly. Health and safety standards in smaller companies and in the informal sector tended to be weaker or nonexistent. Some foreign buyers effectively promoted worker health and safety improvements within the operation of their local suppliers. The limited number of qualified labor inspectors, corruption in the inspection system, and the low level of employee appreciation for health and safety practices severely hampered the enforcement of health and safety standards. Workers are obligated to report hazardous working conditions, and employers are forbidden by law from retaliating against those who do report hazardous working conditions; however, the law was not enforced effectively. As a result, workers who removed themselves from hazardous working conditions risked losing their jobs.

f. Trafficking in Persons

There is no law that specifically prohibits trafficking in persons; however, trafficking in persons is criminalized under the Penal Code and the Child Protection Act. Persons were trafficked to, from, and within the country during the year for the purposes of prostitution and forced labor, including instances of debt bondage.

In December 2000, a National Action Plan to counter trafficking of women and children was approved by Presidential decree. It identifies specific roles for the Government and civil society at both the national and local levels, and includes goals for law-making and law enforcement. The Child Protection Act prohibits economic and sexual exploitation of children, and child trafficking. The Act specifies severe criminal penalties and jail terms for persons who violate children's rights, including trafficking in persons. The Government supported programs at two universities, in East and West Java, to develop specific anti-trafficking legislation. The Government completed the draft anti-trafficking bill during the year and began discussions on the bill with Parliament by year's end. The Government, with the help of NGOs, conducted public education efforts on trafficking, which included placing programming with TV and radio outlets.

The Criminal Code lacks an adequate legal definition of trafficking in persons. Two organizations, the Solidarity Center and the International Catholic Migration Commission (ICMC), identified articles of law that could be applied in cases of trafficking and related offenses. The Penal Code prohibits trade in women and male minors, but is silent on female minors. The Code provides for sanctions of up to 6 years in prison, whereas the Child Protection Act provides for stiffer penalties; however, police and prosecutors generally continued to use the Code against traffickers because they lacked familiarity with the relatively new Child Protection Act. Judges rarely sentenced traffickers to more than 3 years in prison.

The Government, NGOs, and international organizations were not able to compile statistics on the number of persons trafficked, and reliable figures were not available. A study by the Solidarity Center and ICMC arrived at boundary estimates of between 2.4 and 3.7 million women and children who worked in the vulnerable categories of migrant workers, sex workers, and child domestic workers. Within these categories, the total number of children ranged from 254,000 to 422,000. These were not estimates of victims, only of women and children vulnerable to trafficking. During the year, Indonesian women were trafficked to Malaysia, Japan, Saudi Arabia, United Arab Emirates, Taiwan, Hong Kong, Singapore, Australia, and other destinations.

The national police compiled statistics on trafficking cases. In 2001, the police investigated 178 cases of trafficking in women and children, and submitted 128 of these for prosecution. In the first 8 months of 2002, the police filed criminal charges in 155 cases, with 90 reaching the prosecutors. Preliminary figures for the year indicated a similar level of police investigations. By year's end, the Government at the national level had not reported statistics on prosecutions. Anecdotal evidence suggested that successful prosecutions were rare.

During the year, police arrested numerous traffickers. For example, in January, Jakarta police arrested two men for the attempted trafficking of young women to Malaysia. The Government initiated a joint operation with Malaysia that freed 24 Indonesian victims trafficked into prostitution in Sabah, Malaysia, and the police arrested two traffickers. In September, police arrested three suspected baby traffickers in Batam and charged them with violations under the Child Protection Act. Their cases were pending at year's end.

Prostitution was widespread and was a driving force behind trafficking in persons. Although the Government generally interpreted "crimes against decency/morality" as applicable to prostitution, the latter is not specifically mentioned in the Penal Code. The ICMC/Solidarity Center study estimated that there were between 130,000 and 240,000 sex workers in the country. Some NGOs claimed that the number was much higher. Researchers frequently found between 20 to 30 percent of sex workers to be underage. In May, an ILO rapid assessment conducted arrived at a very rough estimate of 21,000 child sex workers in

Java, including 5,000 in Jakarta.

Commercial sexual exploitation of children continued to be a serious problem (see Section 5).

The Singkawang district of West Kalimantan remained well known as an area from which poor, Chinese-Indonesian women and teenage girls between the ages of 14 and 20 were recruited as "mail order" brides for grooms primarily in Taiwan but also in Hong Kong and Singapore. In some cases the women were trafficked for sex work and slavery-like servitude.

In many cases, traffickers recruited girls and women under false pretenses. One tactic was to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, including island resorts. After the new recruits arrived and incurred debts to their recruiters, they learned they had been hired as prostitutes.

Many trafficking victims became vulnerable to trafficking during the process of becoming migrant workers. Many unauthorized recruiting agents operated throughout the country and were involved in trafficking to various degrees, and some government-licensed recruiting agents also were implicated in trafficking. Recruiting agents often charged exorbitant fees that led to debt bondage and recruited workers to work illegally overseas (see Section 6.c.), which increased their vulnerability to trafficking and other abuses.

Some women were trafficked overseas under the guise of cultural performers, particularly to Japan. An article in the August Tempo magazine indicated that there were several hundred Indonesian sex workers in Japan and concluded that many of them were tricked into the sex trade and subsequently unable to leave.

The basic 3-month course that all police officers received did not include training on counter-trafficking in persons. During the year, international agencies and a foreign government began to provide police with specific training with regard to trafficking. Trafficking falls under the purview of the Criminal Investigation Department (CID). The Police established a separate anti-trafficking unit within CID, with both operational and coordinating responsibilities. As a result, coordination within the police force and between the police and other interested departments on trafficking in persons improved during the year but often remained weak.

The national police headquarters issued new instructions to district police chiefs to break up trafficking rings, assist victims, and report cases to national headquarters. However, credible sources noted that individual security force members were involved in setting up and protecting brothels. Traffickers and brothel owners reportedly paid protection money to security force members. Apart from police and soldiers, some government officials allegedly were complicit in trafficking, particularly in the production of false documents. The prevalence and ease of obtaining fraudulent national identity cards, which could document children as adults, contributed to the trafficking problem. In some cases, law enforcement officials treated trafficked women and children as criminals. Within society and government, there was continued reluctance to acknowledge that prostitution was a major problem, despite frequent press reporting. Widespread and entrenched corruption contributed to trafficking.

Domestic NGOs, with international support, led efforts to monitor and prevent trafficking, frequently in coordination with government agencies. These NGOs included the Consortium for Indonesian Migrant Workers Advocacy (KOPBUMI), LBH-Apik, Women's Aid and Protection Group (DERAP), Women's Coalition (Koalisi Perempuan), and Solidaritas Perempuan.

In April, the Government co-hosted with Australia the Second Regional Ministerial Conference on Migrant Smuggling, Trafficking in Persons, and other Transnational Crimes. In June, the Government hosted the U.N. World Tourism Organization's Regional Consultation on the Protection of Children from Sexual Exploitation in Tourism. In July, the Government co-hosted the first National Conference on Trafficking in Women and Children with hundreds of participants from across the country. On July 23, President Megawati announced the launching of a national campaign to eliminate the sexual exploitation of children in tourist zones.